

Forty - years in a
Crown Colony



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upon the duties which lie before them with a serious and sincere heart are they who perform them most faithfully and well, even though they themselves are dissatisfied with their own performances. Morgan wrote: 'But a few pages from this is an entry made on the last day of the year and as brief seems the time that passed. Would that the responsibilities which the last year has entailed upon me were as brief:—

I cannot review with satisfaction the past year, not that I have been less prosperous in my worldly career, for in spite of my shortcomings I have been very, very successful in my profession, but the continued and increased success has not excited proper dispositions in me either in view of my temporal or my spiritual interests. Grossly regardless of both I have wasted opportunities and despised advantages, abused talents and prostituted powers which will all rise against me in judgment at the last day when we shall all have to render an account of ourselves and each make a due return for the talent entrusted to his care.

It is impossible, therefore, that I can look back upon the past with pleasure, nor do I feel I can look forward to the future without misgivings. Will the same opportunities be afforded me, the same success? Shall I continue as prosperous and my family as happy?

The happiest treasure the past has afforded me is domestic comfort. In the endearments of my beloved wife and my children, who are all a parent's heart can wish, I have been truly happy. May this source of happiness be ever continued to me and may I daily appreciate its value. May my darlings continue to live in hope, joy and love and all the Christian graces, and may they not

'Unbeseem the promise of their spring'

and oh! may I be enabled with divine mercy to train them early in the ways they should go, so that when they are old they may not depart from them.

My worldly success has been great, I last year had an income of £1,500 a year.

I feel depressed and unable to continue. May the recording angel drop a tear on the past records of my life, and oh! may Divine Providence humble me to make up for what I have lost and may the next year see me wayside a better Christian, my dear wife and children happy and blissful or

Whether the closing year afforded more satisfaction in life, not, certain it is that Morgan ceases to compare himself severely of himself. Eighteen hundred and fifty-four proved to be both noteworthy and peculiar. It shows how of toil for the public weal, was marked by much. On the a citizen. During the whole of it and the year for of four

the moral atmosphere of the island was rent with a veritable political cyclone, in which Morgan could not but have borne a conspicuous part, though he has left but brief record in his own hand-writing. The special colleague of Dr. Elliott, with that gentleman he bore the main burden of the popular agitation on behalf of the people in regard to the verandahs, and was, in addition, their advocate in the cases tried in the district courts of Colombo. Much time was occupied in the preparation of the cases, and references occur in the early portion of the meagre entries in the diary for this year. As for instance :—

8th January.—The verandah cases were postponed to-day as much by our consent as by the wish of the opposite party, they not being quite ready to proceed. We had a consultation, however, with Mr. Lawson.

Sunday, 16th January 1847.—This completes the first anniversary of my darling Josey's birth. In the morning I went to church. Mr. Horsford preached rather an indifferent sermon. I occupied myself the greater part of the day in reading Abercrombie's *Moral Feelings*. Abstained from business, though the temptation of looking into the verandah cases which come on to-morrow was great. Reflected on the necessity of cultivating the moral principle and acting agreeably to its unceasing dictates. May such reflections produce a permanent impression and induce a corresponding change of conduct.

Monday, 17th January.—To-day the verandah cases came on, but beyond hearing Stewart's address which, as usual, expressed very great confidence in the success of the case, and captain Pickering's evidence, which was fairly delivered although in some respects more bold than the truth justified, nothing was done and the trial was adjourned to Thursday. Did no other business, for this kept me engaged from very early in the morning.

Tuesday, 18th January.—Was rather lazily inclined this morning, but went early to the office and employed myself in preparing a statement in Jaffna 1212. Hudson, Chandler and Co., were declared bankrupts to-day —
 — uh ! and what ruin and agony it will excite ! How uncertain is a life !

early and took a drive and called at —'s. Returned home for which I kept myself engaged in effecting an arrangement of my wanted. I divided my eight office table drawers with numbers 1 papers thus—

1st—Papers requiring immediate attention.

2nd—Correspondence.

3rd—Accounts.

4th—Law Books.

5th—Documents of others to be returned.

6th—Mr. Hillebrand's papers.

7th—Opinion book and Note books, &c.

8th—Miscellanea.

Received £8-4 to-day.

Thursday, 20th January.—The famous verandah case was resumed to-day. The crown closed its case about three and I commenced my address which lasted till half-past six when the court was obliged to break up. I dwelt on the legal merits of the case, and took an opportunity to pitch into our great snob, calling him a "Daniel come to judgment, yea, a Daniel." Insulted feelings, not revenge, will have a vent. Came home quite tired.

Friday, 21st January.—Verandah case again. Resumed my address which took up an hour longer, after which Lawson addressed the court for about half an hour and our witnesses were called, who, so far as they went, proved an excellent case of possession. Court closed at four allowing Stewart (an advantage which was denied me yesterday) the privilege of replying to-morrow. In the afternoon attended the funeral of the Reverend M. Ondaatjie.

Saturday, 22nd January.—Stewart replied, and as usual with him, well. But he has fairly got the Government on the horns of a dilemma. The only way in which he attempted to answer our case of prescription and the inference of a grant deducible therefrom was by showing that being a highway it is not grantable. Very good argument for a lawyer, but how does this consort with the acts of Government who are selling away verandahs in every other street?

Wednesday, 26th January.—Mr. Lavilliere gave judgment in the verandah cases, of course for the crown. I blame him not for the finding; he may conscientiously think it correct, but some remarks in the conclusion seem evidently put—if not at the suggestion of, certainly to pander to, the appetites of the Government. Verily it is a melancholy thing for a country when the administration of justice is suspected and the poor look to the judges for protection in vain.

Sunday, 30th January.—Was meditating a good deal on my remiss and negligent and unbusiness-like habits. They will ruin me unless mended. I have resolved upon a course of greater punctuality, but, considering how frail my resolutions are, will not record them until the experience of a week at least gives me reason to hope better for the future.

One noteworthy circumstance in Morgan's career, characteristic of every stage of his life, was the humiliation of heart and mind with which he was always possessed as the reaction of a great triumph, professional or political. Men who saw indications of this, late in life, were inclined sometimes to doubt the genuineness of such humility in so uniformly prosperous a man. A long entry in the diary for the year under notice shows how thoroughly sincere Morgan was in this respect. On the 24th of January he formed one of a deputation of four

gentlemen,—Dr. Elliott, R. F. Morgan, James Alwis, and J. B. Misso—who waited upon the Governor, Lord Torrington, in respect to the verandahs question. At the expense of some mortification to themselves, by the boorish and insulting manner in which the deputation was treated by Lord Torrington, Mr. Morgan and his friends achieved a great triumph. In the conversation had with the Governor Mr. Morgan took part with effect, though the chief portion of the speaking was by Dr. Elliott. In the sight of the whole colony Richard Morgan was a prosperous man, a leader of the people, honoured on every side, yet, reviewing his own conduct in the privacy of his chamber, during the quietude of the night, away from the glare and distraction of the day, this is what (the day after deputation service and on the evening of the day on which he had drawn up a report of the interview) he is compelled to say :—

Monday, 25th June.—Should I happen to die in my present state, what will my end be? This is a most serious enquiry. A sinner wretched and degraded, in spite of decent morals and worldly advantages, my soul will perish everlastingly. And my future prospects are as black. I have made no provision for those I love. My family, the wife on whom I doat and the children dear to me as life, would be thrown destitute on the world. Starvation and misery would be their fate, and my name would be but a scorn and a by-word. Let me briefly review my state in regard to my social and domestic relations and also by my standing before my Maker, as a sinner, as a member of society, and as a husband and a father.

And first in regard to my relations towards my God. A sinner vile and abandoned, with no hope of mercy, no chance of salvation. The Saviour has died in vain for me! He lives in vain to plead for me, for begotten in sin and shaped in iniquity, I make light of His mercies and despise His favours. I am indeed the chief of all sinners. Ignorance and want of education, want of knowing what is right and want of means to profit by such knowledge may mitigate, although it cannot remove, the guilt of others. I have no such excuse. I have been blessed with talents. I have had opportunities to improve those talents. I have enjoyed advantages beyond the lot of many, and blessings have been showered upon me far beyond my deserts! I have abused those talents and despised those advantages and blessings, and how can I expect to be saved. Independently of talents and advantages to know what is right, and knowing do it, I have had a course of prosperity granted to me, which I did not deserve, and which of itself ought to have awakened me to love and gratitude and filled my mouth with

praises and my heart with adoration of Him from whom all these good things came. Success in business, gratification of my desires, a happy and prosperous home, with a loving family, are not these favors to inspire gratitude and to kindle love? But the Almighty hath not spoken thus only. He has endeavoured by afflictions and by warnings to arrest me in the progress of my guilty career, and make me pause before I perish everlastingly. How many in the bloom of life have been laid bare before me and called suddenly to render their last account. My heart is cold and callous, and I say peace when all is danger and trouble around me, with my talents mis-employed, blessings disregarded, advantages thrown away, opportunities lost, warnings unheeded—oh! the danger in which I am engulfed, oh! the misery I am securing for myself. What, oh! what, shall I do to be saved?

A stranger from my God, an outcast from Israel, and like the dog delighting in its own vomit, not only have I neglected my duty towards my God, but my duty towards my neighbour. Oh! how black the catalogue which a review of this branch of my duty opens upon me. I dare not trust myself to ask the question. Have I regarded my Saviour's command and loved my neighbour as myself? In any active work of benevolence I have never been engaged, and wide as my influence is, and enlarged as are my means of doing good, I have never done one single act to which I can turn with pleasure, and mark it as one solitary instance of my love. So far from it, an utter want of that charity which suffereth all things and perhaps deep-seated malice and envy have been my characteristics. How fond I am to suspect and to misconstrue the motives of men, how prone to speak evil of others, how ready to judge hastily of men.

In business my success has been great, and thus far beyond my deserts. I have not only no ability commensurate with my duty, but no industry to make up for want of ability. But yet wanting both I have succeeded and still prosper, while many men of worth and talent, of industry and integrity are neglected. My means are in consequence good. Is it not base ingratitude not to see the hand of Providence which is still working for my good, and unless I exert myself even now, shall I not tempt Him to leave me to myself? In such a profession as I am engaged in, ignorance and industry cannot long remain concealed. Want of competition and adventitious circumstances may obtain support but cannot keep and retain it, and if neglected, what will become of my poor family and of others dependent upon me.

And am I just to my creditors? This is most unpardonable in me if I am not. It was the besetting sin of my family, and should have been avoided. I see amongst my relatives the consequences of improvident habits, but their example and failure have hitherto spoken in vain. Oh! let me feel that of all pressures, pecuniary embarrassments are the worst, that I can never hold up my head with honest pride, never make a good citizen or a good christian, never enjoy peace at home and comfort abroad until I am clear from debt and owe no man anything.

My habits are unpromising. 'Unstable as water thou shalt not excel' was the apprehension of the patriarch of his eldest son, and it has proved true in me. Instability in everything is the root of all my bad habits. Let me endeavour to mend them, and seek in humble dependence on my creditor to lead a new life and with a view to it, let me endeavour:

1st.—To make my peace thoroughly with my God.

2ndly.—To set my house in order.

God have mercy upon me and favour me with the light of his countenance, without which resolutions may be formed and success expected in vain.

As auxiliary to the above and with a view to amendment, perhaps the following division of time may prove desirable :

Rise at 4 : to $\frac{1}{2}$ past 4, prayer and meditation.

$\frac{1}{2}$ „ 5, English exercise, logic, &c.

$\frac{1}{2}$ „ 6, recreation.

$\frac{1}{2}$ „ 8, law reading.

$\frac{1}{2}$ „ 9, dress, breakfast, family prayer.

from 10 to 4, business.

4 to $\frac{1}{2}$ past 6, recreation and light reading.

$\frac{1}{2}$ past 6 to $\frac{1}{2}$ „ 7, historical and other reading.

$\frac{1}{2}$ „ 7 to $\frac{1}{2}$ „ 8, Latin.

$\frac{1}{2}$ past 8 to 9, prayer, &c.

$\frac{1}{2}$ „ 9 to 4, bed.

In July disturbances occurred in the low country, and a miserably feeble attempt at rebellion in the hills. Those who had agitated about verandahs and were active in other matters were held to be responsible for the disturbances. Particularly were Dr. Elliott and Mr. A. M. Ferguson, as editors of the *Observer*, considered to be enemies to good and peaceable government. Several residents in the central province, including one of the church missionaries, came to a determination to withdraw their subscriptions from the *Observer*, and by a notice in the library at Kandy, call upon other subscribers to do likewise. This was done, but, as the sequel proved, without in any way harming the newspaper. The movement in Kandy, moreover, was promptly met at the outset in Colombo, and a meeting of the 'Friends of Ceylon' Society was called. Mr. Morgan was chairman, and the result of the meeting was a communication to the newspaper attacked to the following effect :—

TO THE EDITORS OF THE COLOMBO OBSERVER.

SIRS,—In compliance with the request of a meeting held yesterday, I have great pleasure in transmitting copies of three resolutions which were carried unanimously.

I am further to add that so soon as the necessary preliminaries shall have been arranged, a deputation will wait upon you to present you with the piece

of plate referred to in the fourth resolution. With regard to the latter part of that resolution, you will be good enough to direct two copies of your paper to be sent to Cowasjee Eduljee, Esq., treasurer, for every one that has been or may be given up by the parties to the proceedings at Kandy, and debit him with the amount of the subscriptions.

I am, Sir,

RICHARD F. MORGAN,

MUTWAL, 10th August 1848.

Chairman.

Extracts of resolutions passed at a Meeting held at Colombo on the 9th August 1848.

3. That this meeting views with regret (but without the slightest apprehension for the result) the unworthy attempt made at Kandy to suppress the *Observer* newspaper, and feels called upon, therefore, to bear testimony to the incalculable good it has achieved, without reference to class distinctions, and to express its confidence in the strict impartiality, and outspoken independence which have characterized, and the pure and generous motives unawed and uninfluenced by authority, which have ever actuated the conductors of that excellent journal. This meeting also feels itself called upon to assert that the charges brought against the *Observer* to the effect that it has incited the people to rebellion, are entirely unfounded. On the contrary we are firmly persuaded that some of the causes which have given rise to it and to the dissatisfaction prevailing universally would have been averted, had the Government acted consistently with the views and sentiments of that paper.

4. That in token of the high admiration which this meeting, in common with all who have a deep and permanent interest in the welfare of this country, feels for Dr. Elliott's praiseworthy conduct, a subscription list be opened for the purpose of presenting to that gentleman a piece of plate, and for the purpose of taking two copies of the *Observer* for every one that has been or may be given up in consequence of the proceedings at Kandy.

5. That the chairman be requested to transmit copies of the third, fourth, and fifth resolutions to the editors of the *Colombo Observer*.

Among the new taxes which had been imposed, and against the payment of which the disturbances in the country were a protest, was what came to be known as the poll tax. By an ordinance, passed in 1848, every able-bodied male between the ages of sixteen and sixty were bound either to work on the roads for six days in the year, or pay the equivalent in hard cash. This was the first time that an attempt was made to impose a direct money-tax on an oriental people, and the opposition was very great. The exemptions were the Governor, soldiers, budhist priests, and (subsequently) immigrant coolies.

To work this ordinance new bodies were called into existence termed respectively provincial road committees and district road committees. These were to be entrusted with the funds collected under the road ordinance and to arrange for its expenditure. Certain high officials were members of the committees, and representatives of the public (in a minority) also sat upon them. With more wisdom and foresight than generally characterized his acts, Lord Torrington conceived the idea of turning the whilom burgher radical agitator into an ally and a supporter of the acts and policy of Government. He, therefore, commissioned the author of the measure Mr. (now Sir) Philip Wodehouse, Government agent of the western province, to wait upon Mr. Morgan and secure his services as a member of the provincial committee for Colombo and the region round about. How this was done, and the reasons which induced acquiescence are thus described :—

5th October.—Mr. Wodehouse saw me to-day and on the authority of the Governor asked me to become a member of the provincial committee under the road ordinance, which office I accepted for three reasons ; first, not to do so would be to expose myself to a penalty of £50 ; and secondly, the ordinance was an important one inasmuch as it conceded the privilege to the public (in some measure) of directing the appropriation of the money levied under the Act, an important step towards a system of municipal Government, and it is, therefore, deserving the co-operation of every one ; and thirdly, because Mr. Wodehouse made the offer very kindly and expressed his own personal anxiety that I should accept the office. When my acceptance was communicated to him, he then, quite courtier-like, told me that, as a member, I must help the ordinance and endeavour to remove the opposition existing against it. I told him that as a member of the committee it would, of course, be my duty to endeavour to give the ordinance operation.

I am of opinion that if the people can bear a direct money-tax, and if the sum fixed be not unjust (high in amount and alike to all rich and poor) this ordinance deserves support. I should take care, however, in what I do, as well to avoid alike any compromise of perfect independence and the indulgence of factious opposition.

This was the first step on the official ladder, the top of which was to be reached by rapid progress in a highly honorable manner. Various projects of law reporting, and digests of decisions occupied the young lawyer's

mind, a fact of no little credit to himself as the social atmosphere of the colony at that period was full of exciting stories more or less scandalous, and in the mere retailing of them, as they appear in parliamentary blue books, one's time could be fully occupied. Though very fond of a good story, Morgan was not a retailer of scandal, and his memoranda are conspicuous for their freedom from stories likely to be damaging to the reputation of friends. Only those who have resided in a colony like that of Ceylon, particularly in such a time as that under review, can tell how much is involved in such reticence. Regarding his plans of legal authorship, on the 8th of October Morgan prefaced his record of projects with the following admonition to himself:—

It may not be uninstrusive (it certainly cannot be uninteresting) to enter and note down in this book the various projects I form in my mind from time to time. It may assist the execution of such as are really useful and deserving of attention, whilst on the other hand, a review from time to time of how much I projected and how little I executed will preach to me a severe lesson condemnatory as much of my presumption in attempting much as of my indolence in doing so little. Some below were formed by me since sometime:—

1. To make a digest of the plan of Mr. Harrison of the cases decided by the appeal and supreme court, and the important and leading decisions of the district courts.
2. To make a like digest of the ordinances in force, including, if possible, the unrevoked Dutch regulations in an appendix.
3. To make an alphabetical index in English of Voet (not only the contents of the title but of the section likewise) and when Voet is completed, of other Dutch works: and indeed a general index of both Dutch and English for my own use.
4. To master the law of pleading and of evidence.

•N. B.—The study of the law in all its branches should, of course, be the chief object of my study, but these two branches as being of constant use, in respect of which there is not equal time for preparation, ought, in particular, to be mastered.

5. A complete course of historical reading. Tytler and Keightley as compendia, and Hume, and others to follow.

(For convenience make the above and other projects to be in like manner formed, will be entered in my private memorandum book.)

A month was spent on circuit, the inducement to travel with the judges being a retainer of £75 which Mr.

Morgan received to defend the kachcheri shroff (cashier) at Hambantota, who was charged with theft. The journey proved to be a very profitable one in a pecuniary sense, whilst Mr. Morgan's fame as an advocate may be estimated from the fact that at Kalutara, where sixteen cases were for trial, he had retainers in fourteen; at Galle, out of fifty-one cases he appeared in thirty-seven, having refused several others, whilst at Matara he only stayed long enough to defend the man for whom he had received a special retainer.

Further entries in the diary are not without interest :—

Sunday, 3rd December.—Since my return I have been rather careless again with my business, which continues nevertheless to increase. How long shall I abuse the bounty of Providence in thus disregarding his favours? There is just now a pressure of business which must be got rid of, and yet I waste my time in comparative trifles. I wish I could be certain that I shall be more punctual in future.

Monday, 4th December.—Engaged in two cases this day, in both of which Philip Vanderstraaten thrashed me. One was a question purely of facts in which I do not complain, but the other was a very foolish objection of law, but which Lavilliere very stupidly upheld. The case is now, however, on appeal.

There was a meeting of the Trinity church congregation this day which I did not attend, because I came late from court, and because it was merely for the purpose of choosing trustees. I am informed, however, that C ———, the printer, very stupidly and improperly (for he had not my consent) moved that I should be one. I feel very much annoyed at it indeed—but I suppose the poor fellow meant no harm; I am not very ambitious of the honour, and do not wish upon conscientious grounds to be one of the trustees. The ordinance requires that they should be members of the church. I am one by baptism, and I will add by profession, but I hardly think I am one in spirit, for there are many matters as well in the government as the general economy of the church to which in principle I cannot subscribe.

Tuesday, 5th December.—This day we had some cases before Mr. Justice Temple. One from the court of requests at Galle was interesting. Introduced to Mr. Henry Dias, our new barrister: he seems intelligent.

In the afternoon I had a meeting with Miss ———, the governess in Sir Emerson Tennant's family, who called to consult in a case she intended to bring against Sir Emerson. Dissuaded her from it, and I think she left satisfied with the reasonableness of my advice. I feel no doubt as to the propriety of it.

The estimate of the year, which was made on the 31st of December, was not altogether unfavourable.

Mr. Morgan's income had exceeded £1,500 which, for a young man of twenty-six, in a small colony as Ceylon was then, was eminently satisfactory.

The last year of the first-half of the century was a very important one for Ceylon. A committee of the House of Commons was appointed to enquire into the affairs of the colony, the appointment being mainly the result of the efforts to this end of Dr. Elliott, Mr. Morgan and others. Frequent correspondence with members of parliament followed, more particularly with Joseph Hume, who wrote direct to Morgan and received much of his inspiration from the young burgher. In after years, Morgan used to speak of his connection with Joseph Hume as the brightest spot in his memory, and the event upon which he was disposed to dwell with greatest pleasure. The fight in the committee rooms of St. Stephen's, Westminster, could not be fittingly told in this personal narrative; it would be well if the facts were succinctly gathered and laid before the generation now existing, which knows little or nothing of that stirring period.

Morgan's own chronicle, brief as it is, of the year may be given with little or no comment, as the passages to be extracted explain themselves:—

Thursday, 4th January.—Went to hear bishop Wilson's charge to-day, but could hear very little, though what we did hear was very edifying. He is very infirm, and speaks of this as his dying visit to Ceylon.

Friday, 5th January.—This day I stayed away from office with a view to dispose of some business in hand. I did little, however, except write a mock letter from Sir Emerson Tennant, purporting to be an account of his career in Ceylon. From all I hear and observe, I am afraid he is not a very good man. He has talents, and he knows it: he seems to us to prostitute them to unworthy ends. Scheming and intriguing seem with him the order of the day.

Sunday, 7th January.—This day we attended service at Trinity church, where bishop Wilson preached. The venerable prelate seemed like an old apostle taking leave of a portion of his flock. He preached from Isaiah lx chapter, vs. 1—3 after which a collection was made in aid of the diocesan school funds. There is a simplicity and an earnestness in the bishop's manner, which is quite prepossessing, which inspire his hearers with affection for and confidence in the man, and then the eloquence of his discourse, his

venerable appearance induced still more so by his age and increasing infirmity, give his words an authority and effect which they might not possess coming from ordinary sources. He has not lost his old quaintness of manner and expression. He spoke of the darkness which prevailed when our Saviour was born, of that which subsequently overspread the world, instancing the case of continental India in particular, and illustrating it by reference to the degraded condition of the females, suttee, and the Juggernath feast, and the flying for remedy to the river Ganges. He last of all alluded to the darkness of the human heart. Talking of a sceptic, he said that though searching for it for fifty years he had never met with a single work containing a clear, logical and conclusive refutation of christianity, and that religion was derided by many who do not understand it sufficiently to be able to raise one valid objection against it. As one inducement to the people to contribute he said that giving to the poor and such objects is one way to increase our gains, quoting the verse about our barns being filled with plenty, and adding to it that our cinnamon and coffee lands and cocoanut gardens would yield the more abundantly. In these times of general depression, when every one is in search of means to better his coffee lands, this would indeed be an admirable plan. The observation excited a smile. He again mentioned that this was to be his dying visit. He exhorted us to contribute for care of the bishop and Mr. Horsford, whom he should be delighted and rejoiced to see in health pursuing his labours.

Monday, 8th January.—Before retiring to rest last night, I resolved upon following from the morrow the arrangement traced out in my entry of the 25th June 1848. But partly from spending a bad night, partly from indolence, I did not leave my bed till near 6, which prevented me from attending either to my English exercise or to my morning recreation. From 6 to 8, however, I continued preparing Philip Mudaliyar's cases, after which I went to see Stewart touching this case, and immediately after returning from him, went to the office.

There I had four trials; two came on, and two from want of time were postponed. In the two that came on, I was in one for defendant with Vanderstraaton (5,210) and the plaintiff withdrew his case, and in the other, I was with Charles Dias (5,608) for plaintiff and got judgment.

I purposed this morning to keep strictly to my course of conduct, but having got up late I could not attend to my English exercises and recreation. About 4 the court broke up, and I lost more than an hour in unprofitable talk. At night I neglected historical reading and Latin. In my memorandum book of twelve things recorded as items of business to be attended to, only three were performed. Such is the desultoriness of my habits, and such my negligence. May I be able to make renewed and more successful effort to-morrow!

Tuesday, 9th January.—This day kept myself occupied in the supreme court with some Tuesday cases, and subsequently in consultation with the Master Attendant about poor Mrs. Albrecht, and in writing some letters, and in idle talk. This mode of spending much of my time, particularly with a large accumulation of arrears, is very censurable. In the morning, I got up late—at 6,—and hence lost my English exercises and recitation. At 8 I

attended to Dodsworth's case, which prevented my keeping to my prescribed course of night studies.

It is noteworthy that, though in the supreme court, a busy advocate, and occupying a high position in many other respects, Morgan yet kept up his night studies, and was not above continuing the course of education which is supposed to be finished when schooling days are over.

'For he, while his companions slept,
Was toiling upwards in the night.'

Herein lay one of the secrets of the success of his life, a fact of which youths generally, and Ceylonese youths especially, should take note. "

Wednesday, 17th January.—We had the Cotta case (2,098) in which we tried hard, for a settlement case was given up for that purpose, and the defendants afterwards refused, so that it comes on for hearing on Friday. I would have given up the case altogether, but am apprehensive lest my doing so would only throw the weight of my influence against my client, which it would be wrong in such a case at least to do.

Afterwards a case of Fernando *versus* John Vanderstraaten came on, in which the latter pleaded prescription to an honest claim. I commented strongly on his conduct, which I consider disgraceful.

Thursday, 18th January.—Engaged this day in the supreme court in the defence of the Moratuwa people on a charge of murder. Owing to the witnesses having been all tampered with, there were many discrepancies in the testimony which was thereby rendered very vague and unsatisfactory: so that the jury were forced to acquit the prisoners. There can be no real doubt, however, as to the guilt of the men or rather six of them. The court closed at half past 8. Sir Anthony Oliphant delivered a most impressive and eloquent charge, but not a well digested one.

Friday, 19th January.—The Cotta case (2,098) kept us till late in court. In the evening we went to the grand fort theatre, where the youngsters amused us with theatricals. On the whole, the performance was not bad. Returned at 12.

Monday, 22nd January.—Engaged in two trials. In the one with Alwis succeeded, but lost in the other (with O. Dias) from sheer mismanagement. We called witnesses, and then closed without calling other and more important witnesses. Both myself and Dias thought the evidence sufficient, but there is no doubt there was other and better evidence which we did not adduce. We thought Lavilliere was satisfied with the evidence we did call. Must endeavour to get a new trial.

In the evening Elliott, W. Ferguson, and C. Lorenz called to ask me to attend the meeting at the library to-morrow and take the chair.

Sunday, 4th November.—Poor Mr. Davies of the Baptist mission died on Friday the 2nd, and was buried at the Wolfendal church yesterday, Mr.

Palm officiating. He suffered much from the climate, and the immediate cause of his death was an attack of dysentery.

Mr. Allen preached this evening a very impressive funeral sermon from St. Paul's words, "I would not have you mourn, brethren, &c." After dwelling on the blessed state of the departed, and the comfort which the Scriptures give us as to the prospect of death and on the occasion of our grief at the loss of our friends, he dwelt on the virtues of our departed friend. He said that we were not aware of our loss, which was very great, for it was not easy to get a man like Davies. He lastly delivered a message which the departed saint left with him to be delivered to the people of the Pettah:—

'Tell the people of the Pettah that I love them and am grateful to them, for I have received many kindnesses from them, particularly from the young men. I wished to have addressed them once more, but this is not allowed me. I wished to write a letter to them, but I am too weak for this. Tell them I am grateful to them, that I love them, that I pray for them; ask them to pray and to be reconciled to God.' He added, 'I love them, but they had well nigh broke my heart. I could not do any good amongst them, and was nearly despairing of them. Go you amongst them (addressing Mr. Allen) and may you be more successful. Tell them to be reconciled to God.'

Oh! how it must have grieved that good man's heart that all his efforts, persevering as they were and severe enough to have cost his life in the end, should have been thrown away. I myself have often sat under his ministrations and heard the truth revealed by him with a clearness, force and eloquence that seemed to be peculiar to him and in which he was unrivalled. In this very book, how often have I recorded the truths which I have from time to time heard from him. But what good has it done unto me? I remain hardened as before and unmoved. Oh! may his last parting message, the thought of the pain I gave the good man, now touch my obdurate heart, and induce me to cling to his dying advice to pray and be reconciled with my offended Maker!

At this period, partly owing to the influence of Dr. Elliott, a deacon of the Baptist church, Mr. Morgan was on the point of making a profession of his faith by immersion. From some cause not apparent in his memoirs, the opportunity was allowed to go by, and though attending a baptist place of worship to the last he was never identified with that communion as member. The diary continues:—

31st December 1849.—I observe that for several years past, I have made entries in this book on the anniversary of this day. Each year, however, has witnessed expressions of regret at my bad and indolent habits and has given record to resolutions to lead a new life. The recollection of this is peculiarly humiliating to me this year. Blessings without number I have continued to enjoy, and success in my career far beyond my deserts, but they have not touched me. Not alone, however, through continued prosperity has the Almighty sought to touch my heart and to bring me to a sense

of grace. He has been at last provoked to send me the dark messenger of affliction, the chill blasts of which were raised to pierce my heart. My little home has been invaded, and I miss to-day the smiles of the dear cherub which cheered and blessed us last year. Divine mercy has, it is true, sent in his place another, but oh! so selfish is my heart—such perhaps is the character of a parent's love, that I would I had my dear Johnny too. God forgive me, however, for this murmuring. I was saying that I was visited by affliction too as if to try the effects it would have on me. Has it awakened me, however? For a time indeed I fancied I was grave, and had begun to cast aside the giddiness of boyhood. But soon was the stroke forgotten, and the revolution of time only found me a more hardened sinner. God forbid that this should provoke Divine wrath and indignation against me. Rather may His mercy pierce my heart and bring me to a sense of my unworthiness.

My worldly success in business has been undiminished, and this too whilst my deserts have been most unequal.

I have been forced by circumstances to take a more decided stand in politics than I could have wished. The turn the London committee sitting under parliament to investigate Ceylon affairs have given to matters, the publicity which my letters to McChristie have obtained, the necessity for a bold stand here that these entailed upon me, have all added their influence in making me what I should not have voluntarily sought to be—a political character. Lord Torrington, as if to punish me for this, has brought Charles Stewart over the heads of us, making him deputy Queen's advocate. But this will not move me, as it ought not. I will not brag, for I have seen what the end was of many who did brag, but this I will say, that as I am now situated and as at present advised, I do not desire Government employ. The blessings of Providence enable me to find my daily bread in independence, and independence, honest independence, is sweet and delicious. May it continue to give me a competence—

“Not for to hide it in a hedge,
Nor for a train dependent;
But, for the glorious privilege,
Of being independent.”

In other respects I have nothing to complain of or worthy of being noted. Humiliation at the fruitlessness of my past resolves forbid my giving expression to any fresh ones: they should not, however, prevent the breathing of a fervent prayer to the Powers above, that a change, a lasting change, may be wrought in me, such as will redound to my advantage here and profit in the world to come. May my wife and dear children be blessed to me, and may we grow in love and grace striving to promote each other's good.

CHAPTER V.

LAST DAYS OF CITIZEN USEFULNESS.

1850—1856.

THE 'glorious privilege' of being independent was as much needed and 'was as greatly exercised by Mr. Morgan in 1850 as it had been in previous years. The agitation in the colony continued to rage at fever heat, the miserable exposures of duplicity among men in high office, revealed before the committee of the House of Commons causing a tornado in the restricted circle of society of various grades in Colombo and elsewhere. Mr. Morgan appears very inconspicuous on the public stage, with the exception that one of the most important communications of the period, a letter from Joseph Hume, who championed the cause of Ceylon in the House, was addressed to the energetic young advocate. Second, however, only to Dr. Elliott, whose efforts for the people of Ceylon at this period have never been surpassed in any country by any man, Mazzini labouring for Italy excepted, Morgan had a heavy responsibility on his shoulders from the burden of which he did not shrink. His own justification for the determined efforts which he made is thus stated:—'Sir Emerson Tennent's cupidity in the verandahs question and Lord Torrington's tyranny in keeping martial law in force for many months left me no alternative but to take a very prominent part in politics. Having once entered upon the conflict in conjunction with others, who felt like-minded, I scarcely ate, drank, or slept, until we had succeeded in getting both

recalled, as also Mr. Wodehouse.'¹ Whilst labouring for this object, however, the small body of earnest men, comparatively poor and with no influential or monied backing, were ready (in the interests of their country) to take up large responsibilities. An extract from a letter of Mr. T. J. McChristie, who was the London agent of the agitators, will show this, and will also give an interesting glimpse of the manner in which the agitation was carried on. The letter was addressed to Dr. Elliott, but commenced 'My dear Morgan and Elliott,' and contained the following passages :—

'And now as to our *future proceedings*. Matters have proceeded to that stage that the recall of Lord Torrington and Tennent must not satisfy. Lord Torrington must be impeached, and he and (Colonel) Drought at least *tried*. The House of Commons may order this proceeding; it may order the one to be impeached and the other to be indicted, or it may order them both to be indicted in the Queen's bench.* If it does the latter, Torrington would in all probability claim his privilege and have his trial removed to the Lords—and in the case of the Commons ordering this, the country would have to pay the expense of the prosecution; this would be a great thing for us. On the other hand, if parliament does not order the impeachment and indictment, *we can* indict *both* ourselves, and upon every rational view of the subject, my opinion is that that *must* be done—must either be done by parliament or by us. The indictment would probably have to be for murder, burnings, plunder, abuse of power, &c., that may be hereafter considered. I am persuaded we have materials for that *now*. How much more so shall we have facts after the chief justice, Braybrooke, Henderson, &c., are examined? The trials of these men would cost some *thousands* of pounds, and how, if it is left to us, is that

(1) Sir Philip Wodehouse, Governor of Bombay, from 1872 to 1877.

money to be raised? Will you consider this and let me know your views and feelings upon it as speedily as possible? I have talked it over with one old English gentleman, who I believe is *rich* and wishes us every success, but he has no further interest in the island beyond believing it to be oppressed, unjustly used, and wishing its government to be improved. He has told me "if they in Ceylon will raise a good subscription amongst themselves for prosecuting these two men, if the Commons will not do it I will subscribe liberally towards it," and though he did not say so, I have *no doubt* he would get others here to subscribe also. Now we cannot be too soon prepared upon this point, we cannot have our plan ripe and ready too early. It will not do, after we should be thrown upon our own strength by parliament, to resort to this proceeding, to have to wait to correspond between London and Ceylon two or three times (eight or ten months) before we strike the blow. We must be ready if possible to fire on the instant. Therefore, do weigh this well and let me hear from you on it, but pray keep it secret, for amongst other evils, if the least hint of it were to get out, Torrington, Drought, and the Government, would instantly retain all the leading and most powerful men at the bar, whereas it will be a great thing for us to have our first choice of those men.

'Ask Morgan to write to the committee at Kandy giving them such a short and cautious general view of some parts of what I have written to you as he may consider to be safe, and let him say it has been impossible for me to have time to do so, and be *cautious* how you let people there or anywhere know anything that will immediately be sent to the Governor direct, or through S — or —, &c.'

Those at all conversant with the immense amount of work which is required to keep going such a movement as is here alluded to will not be surprised to learn that one

of those who took a large share in it found but little time to keep up daily entries in his diary. Consequently, a great gap occurs at this period in Mr. Morgan's memoranda, extending over nearly two years, the only entry of any general interest being the following, written early in 1850:—

Sunday, 13th January.—Attended St. Lucas' cathedral to witness the consecration of my friend Bravi. The church was very crowded.

Never I ween
In anybody's recollection,
Was such a party seen
For genuflection.

The ceremony was as old Roman catholic ceremonies are—very pompous and imposing and quite the thing to take with the natives. The bishop elect is sworn and examined at length; then mass commences, after which he is clothed, and falls prostrate on his face, whilst the litanies are chanted; his head is then wrapped round with a band of linen and his whole tonsure anointed with the holy chrism. Psalms and anthems in the meanwhile innumerable. Then his hands are anointed likewise, his crozier is blessed, sprinkled with blessed water and afterwards put into his hands, a ring is then sprinkled and put on the fourth finger of his right hand, as the symbol of the 'inviolable fidelity with which he must keep the spouse of God, i.e., the holy church,' then he receives a book which he touches whilst prayer is being said; he is then kissed by the prelates and his assistants; he then goes to his altar on the side, washes his hands, recites prayer, and returns to the prelate before whom he kneels, presenting him with two lighted wax tapers, two loaves of bread, and two small casks of wine: then mass is gone on with, after which the mitre is put on the head of the elect, the gloves are sprinkled with holy water and put on his hands; he is then raised and placed at the altar on the same chair in which the consecrating prelate sat. After this the *Te Deum Laudamus* is chanted, and during it, the bishop elect, with two assistant prelates, walks up and down the body of the church, blessing the assembly. Prayers and hymns succeed, the consecrated bishop gives the solemn benediction to the people, makes his reverence to the consecrating bishop three times kneeling, and singing each time 'ad nultos annos,' gives him and the two assistant prelates the kiss of peace and then invests himself, when the clergy leave the church in procession.

Bishop Castano Antonio officiated as consecrator, two priests assisted as prelates, and there were lots of priests besides.

Professional success continued, and an examination of his fee-book, carefully kept during his non-official career at the bar, shows an income ranging from £2,500 to £3,000. The acting appointment of district

judge of Colombo was offered to him and accepted. Mr. Lavillier, the incumbent, obtaining leave of absence for some time from illness.

Towards the end of the year, an offer was made to Mr. Morgan of the acting post of Queen's advocate (corresponding to the post of attorney-general in England, with a seat in the cabinet) but it was declined, Morgan preferring to remain independent. The offer was made by Lord Torrington, after he had resigned office but before leaving the scene of his rule, and, judging the noble Lord by what was revealed in the committee room of the House of Commons, was doubtless meant as a bribe to stop the mouth of an able and determined opponent. Refused by one youthful burgher lawyer, the offer was made to and accepted by another, James Stewart, who, in a legal and literary sense, was at least Morgan's equal, but who was never popular. During the whole of the period, when events were passing which must of necessity develop patriotism and a desire to labour for the public good, if a man has any leanings that way, Stewart's name does not once appear in contemporary records as having stirred hand or foot in the popular cause. A word-painting of the young man describes him as being accustomed to spend the greater part of the night lying on the floor with a lamp at his head and heaps of law books within reach, mastering the intricacies of Roman Dutch and other laws, which go to make up the complicated jurisprudence of the Colony. The post of acting Queen's advocate carried with it a seat in the Legislative Council which also Morgan declined in refusing to accept the Governor's offer. It was only, however, for a brief space that he had to forego the honours accruing to a colonial legislator, such as they are, in a nominated assembly.

In a very meagre outline of his career, penned in declining years, Morgan speaks of 1851 as an 'eventful

year in my history.' Such it proved to be. His most important professional success was being retained to defend the deputy commissary-general (captain P.) who was charged with embezzlement. Captain P. ran away after the depositions were closed, and his securities were proceeded against for the amount of their bond, but they succeeded in avoiding it on certain technical objections. The crown appealed, but the decision was affirmed.

Whilst the subject of this biography was absent from Colombo on the southern circuit in August of this year, Mr. Giffening, the burgher member of council, died, at the time when the sittings of the session had just commenced. At once Morgan was selected by his own community and alluded to in the leading paper of the colony as the best man available for the vacant seat. The *Colombo Observer* of the 29th September said, 'There can, we apprehend, be no difference of opinion either amongst the governing class, or the governed, as to the direction which the choice of a gentleman to succeed the late Mr. Giffening in Legislative Council should take. Assuming, of course, that the vacant seat will be occupied by a European descendant, the universal voice would name Mr. R. F. Morgan, advocate, as the fittest person, as the one man fitted for the post, and in his absence, steps have at once been taken to let the Governor, Sir George Anderson, know upon whom the suffrages of the people would be conferred, were the privilege of voting possessed.'

'A petition was sent to the Governor submitting for His Excellency's consideration 'the name of R. F. Morgan, Esq., advocate of the supreme court, as that of a gentleman, who, by his ability, learning and independence of character has gained their (the burghers') confidence, and who would, they believe as a member of the Legislative Council, do equal honour to your Excellency's choice and to the people's recommendation.' The

address was signed by nearly four hundred members of the burgher community. (The full text of the address with the names of those who signed will be found in the appendix to Vol. II.)

At first, on the suggestion of Dr. Elliott, it was intended to hold a public meeting, in the Pettah library, to advocate Mr. Morgan's candidature, and notices were issued, but they were afterwards called in and no meeting was held. Even such thick-and-thin supporters of the Government as the brothers Stewart¹ were agreed that no better choice could be made, but, said one of them 'He is a great Elliott's man, and must turn over a new leaf if he is elected.' Some opposition was threatened, and there was talk of a memorial begging that Dr. Misso might be appointed to the vacant chair, but that gentleman, for want of backbone in more than one crisis, was discredited amongst his fellows and the proposal resulted in nothing. Friends were very confident of the result, even when Dr. Misso's prospects were most hopeful, but Morgan himself anticipated effectual opposition amongst certain of the Governor's advisers. He was not long left in doubt, for, whilst the memorial was being signed, he received a letter from the Colonial Secretary to the following effect :—

COLOMBO, 30th September, 1851.

MY DEAR SIR,—The Governor having decided on appointing Mr. Darley to be permanent member of the Legislative Council in the vacancy occasioned by the lamented decease of Mr. Giffening, a seat in the council still remains vacant during the absence on leave of Mr. Swan. His Excellency has empowered me to offer to you this acting appointment, the duties of which he doubts not you would fulfil in the most satisfactory manner, but as I do not know how far it might be agreeable or convenient to yourself to enter the Legislative Council as a temporary member for the present, I have preferred addressing you thus privately on the subject before making to you

(1) The Stewarts rose to high office in Ceylon. The career of James Stewart will be found described almost immediately. Charles H. Stewart became senior puisne justice, and, for a short time, acted as chief justice. He was made a Companion of the order of St. Michael and St. George, and, in June 1878, was offered the chief justiceship of the Straits Settlements, an office carrying knighthood with it. The offer was, however, declined.

any official communication. Should you feel disposed to accept the offer, I shall have much pleasure in taking the usual steps and seeing you at our council table at our next meeting.

I remain, dear Sir,

Yours very truly,

C. J. MCCARTHY.

Mr. Morgan consulted several friends as to the propriety of his declining the offer on the ground that His Excellency the Governor had no right to give away Mr. Giffening's seat to an Englishman, and that, therefore, he (Mr. Morgan) could not act for Mr. Swan. All who were consulted—(Messrs. Smith and O'Halloran, several other merchants, Messrs. Ferguson, Elliott, Swan, J. B. Misso, C. A. Loos, and James Stewart) thought with him that he should not accept the acting offer. He also saw Mr. Darley before he did anything and communicated his views to him. Mr. Darley (as true and thorough an Englishman as the colony ever knew) admitted the force of what Mr. Morgan urged but greatly wished he would accept, and wrote several 'chits' to that effect; one among them was this:—

1st October, 1851.

MY DEAR SIR,—I have really felt so much disturbed by what you said this evening, and I should so exceedingly regret that any considerations prevented you from joining the Legislative Council that I write a line for the sole purpose of endeavouring to persuade you to accept office. It is equally important to every portion of the inhabitants that so good and able a man as you are should be in a position to influence matters in a right direction, and I do not think that you should let any minor considerations prevent you from taking the opportunity that is presented, even though it is not precisely as you desire. If any concession on my part will help the matter, I should not be disposed to withhold it, but I feel certain that if you enter the council now, your services will be of such a nature as to ensure you the first permanent appointment that falls vacant. My impression is that your presence in the council is more important at this moment than it may be for some time to come. I do therefore hope you will come in. I am not altogether unselfish or disinterested in the advice. I am urging you, because of feeling my own slender qualifications. I look forward with pleasure to the opportunity of co-operating with you.

Believe me,

Yours very sincerely,

(Signed) E. J. DARLEY.

In the meanwhile, Mr. MacCarthy's letter had been answered in these terms :—

COLOMBO, 1st October, 1851.

DEAR SIR.—I beg to acknowledge the receipt of your letter of yesterday's date intimating to me His Excellency's decision to appoint Mr. Darley in the room of the late Mr. Giffening, and offering me a temporary seat during the absence of Mr. Swan.

I should have been most ready and indeed would have felt myself highly honored by being selected in the room of Mr. Giffening to fill the seat which ever since the establishment of the council was devoted to and occupied by one from the class of European descendants, but I regret that I do not feel myself prepared for a mere temporary vacancy to make that sacrifice of time and attention which the correct discharge of my duties as member of council would demand of me.

Thanking His Excellency for the honor done me in making the offer,

I am, &c.,

The Hon'ble C. J. MacCarthy, Esquire.

R. F. MORGAN.

The answer Mr. Darley received was that the 'acting' offer had been promptly declined, that the step whether for good or for evil had been taken. Mr. Darley was most anxious that his friend should obtain a seat in the council, so anxious that he himself called upon the Colonial Secretary and withdrew his claims for the permanent seat. He subsequently went to see Mr. Morgan, but, not finding him at home, wrote a note in which he expressed regret at the decision arrived at, and begged for a meeting in which the matter might be discussed in a friendly way.

The firmness displayed by Mr. Morgan in the interests of the burgher community was rewarded with success, for almost immediately after Mr. MacCarthy wrote a semi-private note to Mr. Morgan as follows :—

COLOMBO, 1st October.

MY DEAR SIR,—I received your note of this morning and communicated its contents to the Governor.

His Excellency felt that the great difficulty in the way of making your appointment a permanent one was the promise held out to Mr. Darley that his temporary appointment should be confirmed on the first vacancy, a promise which His Excellency was, of course, bound to fulfil.

The difficulty on this head has, however, since been removed by the spontaneous and very handsome offer of Mr. Darley himself, who, understanding that your nomination permanently to the council would give satisfaction to a large proportion of the inhabitants, has begged to decline in your favour the preference which the Governor felt bound under the circumstances to give to him.

I have therefore now to offer you a permanent instead of a temporary seat in the council, and on your signifying to me your acceptance of the same, will give the necessary instructions.

I remain, dear Sir,

Yours very truly,

R. F. Morgan, Esquire.

C. J. MACCARTHY.

Of course, such a handsome offer could not but be accepted, and in the letter of acceptance the writer said, 'I regret that Mr. Darley should have had to give up his claims, but I think His Excellency will do me the justice to believe that in what I did, I was only actuated by a sense of duty.'

As legal business was on the 'order of the day' for the 2nd of October, Mr. Morgan took his seat before the warrant of appointment was ready. * Until this was ready, the oaths of allegiance and of office could not be taken, and business was delayed for a time. Eventually the warrant was forthcoming and the legislature proceeded with its duties. A melancholy interest attaches to this meeting of the council. Pitted one against the other, on official and unofficial sides of the house, were two youthful burgher lawyers, both under thirty years of age—James Stewart and Richard Francis Morgan. The one was leader of the bar of the colony, the other first in the unofficial (Ceylonese) community. They had been rivals at school, where Morgan (through favoritism on the part of the master, Stewart alleged) achieved most distinction. At the bar they seldom or never found themselves engaged as brethren in a law suit, but always on opposing sides, and now they found themselves face to face, still opponents, on the floor of the legislative assembly. Stewart, though only 'acting' Queen's advocate, was

ambitious to initiate certain legal reforms, whilst the new Governor was equally anxious to signalise his first session with measures of importance. The bills had already been read a first time, and the second reading was fixed for the day when the newly selected burgher member was to take his seat. Morgan criticized his friend's measures with some severity, and noticed that, whilst doing so, the acting Queen's advocate turned pale and seemed distressed. Fearing he had unwittingly in the warmth of debate wounded the *amour propre* of his friend, Morgan brought his speech to a hurried conclusion. It was then found that, not the sharp thrusts of criticism, which he feared as little as most men, but the severe attacks of deep-rooted disease had caused Stewart's agitation. He was conveyed from the council chamber to his house, was found to be suffering from disease of the heart. He lingered for six weeks and then died.

Twenty-six years after, on the anniversary of James Stewart's death, Sir Richard Morgan penned the following remarks on his early friend's decease. 'Stewart was buried with military honours, minute guns being fired as his body was being conveyed to the grave.' Some years after Stewart's decease, in allusion to the death of his friend, Morgan wrote: 'The death of my poor friend was very disastrous to me. I became first in nearly everything, had most things my own way, did not labour so hard as I had done before, as there was now no necessity, in short, I rapidly became fat and lazy.' In consequence of Stewart's death, the money bills were hurried through council, the legal bills were withdrawn, and the session brought to an abrupt termination.

Whilst generally appreciated, Morgan did not take his seat as burgher representative without some opposition, especially from the *Times* and *Examiner* newspapers, journals which had supported the Government through-

out the troubles of 1848-49; with sneers, they wondered what the former Government would say at the appointment, and what Lord Torrington would think. This opposition, however, did not serve to detract from the fair fame of the rising lawyer, but as the spots in the sun serve to bring out with greater force the brightness of that luminary, so the detraction to which Morgan was subjected served as a foil by which his virtues became more conspicuous.

One of the few prizes open to Ceylon lawyers fell into Morgan's hands soon after James Stewart's death, viz., the post of standing counsel for the Oriental Bank Corporation, on a yearly fee, besides fees for each particular case conducted or piece of advice given. Soon afterwards he was similarly retained by the Chartered Mercantile Bank of London and India, which had a branch in Colombo.

In 1853, he suffered from serious illness, on recovery from which, the immediately succeeding remarks were penned:—

'26th July.—Unstable as ever and unsteady in everything, years have elapsed since the last entry in my diary was made, years too of no ordinary importance. I purpose re-writing a great portion of my journal in a more collected form, recording every incident of my life of any moment. Such an entry may be useful to my dear children when I am no more, showing them the rocks upon which I was well nigh splitting, and the means I have enjoyed of doing good.' [This resolution was never carried out, save in a most meagre manner in 1875.] 'Leaving a space for this purpose, I shall proceed at present to make a few entries of certain recent events:

'I have just recovered from a protracted and dangerous fit of illness. I was acting as district judge for Mr. Temple all April and May, and the rainy weather usual

in May brought on a severe cold and cough. I felt asthmatic symptoms, and consulted Drs. Prins and Dickman who thought I had spasmodic asthma for which remedies were applied. I got worse every day. I was cupped and leeches, but to no purpose, and quite confined to my room from the 3rd June, when I ceased acting in court, Mr. Temple having returned. Dr. Elliott examined my chest with a stethoscope and discovered that I was labouring with pneumonia in the lower part of the left lung. I was bled copiously, and leeches severely, made to swallow large doses of tartar emetic, and put under a course of calomel which brought on speedy severe, very severe, salivation. My tongue and mouth were covered with sores, and I was wholly disabled from taking anything like solid food for weeks. I continued very ill for about a month—was removed for a change (on the 13th June) to the house of a friend in Marandahn, and remained there till for a time when I returned home. It would be tedious, and perhaps unnecessary, to enter into details. Suffice it to say that my medical men (Elliott, Prins and Dickman) whose attentions were unremitting, at one time thought I was in imminent danger of my life. An abscess burst; it was thought that the disease had reached the third stage of purulent infiltration, and that it was spreading over the left lung. Thanks be to that Providence, however, who has favored me with mercies from my youth upwards, in spite of my great unworthiness, I was spared yet awhile. I hope and pray the visitation will be productive of good. I shudder at the thought of the danger I have escaped. What if I were called in my state of unpreparedness, in the midst of my manifold transgressions. Oh! the agony of being suddenly called to render one's account! What could I say of the talents I have prostituted, the opportunities I have lost and abused, the warnings I have disregarded? How could I have left my dear wife and my darling children

without any hopes of ever meeting them again, for, oh ! how could I desire a meeting with them hereafter, knowing that eternal perdition was to be my lot.

‘ A merciful God has, however, blessed the means used for my recovery and spared me. May His grace be extended towards me and fill me with love and gratitude to Him, may it enable me, through the mediation of my beloved Redeemer, to repent truly of my sins, earnestly purposing to lead a new life, with a steadfast faith in His mercy, and to be in charity with all men. Whilst thankful for the mercy shown me, and that I may yet enjoy and profit by the means of grace and the hope of glory, may I so live as to show that I indeed feel that it was good for me to have been afflicted that I might learn the Lord’s will. “ Let it alone this year also,” may not be again said of me if I continue to cumber the ground.’

During this year (1853), a very handsome offer was made to Mr. Morgan by Sir George Anderson, which is thus described :—The Governor expressed much sympathy during my illness and made frequent enquiries. I waited upon him therefore this day (26th August) and had rather an interesting conversation with him. His Excellency mentioned that Mr. Stark had sent his application the day before, praying to be allowed to retire on the score of ill-health. I mentioned that it would give an opening to Mr. Temple, in which he concurred. He said other vacancies would also take place shortly in the supreme court. I added that Mr. Selby would also be expecting to mount the bench. His Excellency added that when this took place he would be very glad to see me appointed Queen’s advocate, and would gladly do what he could to gain this object. I expressed my thanks, of course, but added that I was very fearful that if such were His Excellency’s intention he would not have an opportunity of serving me. He wanted to know why.

I explained to him that the office of Queen's advocate was always conferred on English barristers, and that the discussion which took place owing to Mr. Selby's appointment in the course of the parliamentary investigation on Ceylon affairs was calculated to induce greater jealousy on the part of the ministry in seeing that the appointment was confined to the English bar. I added further that it might not be perhaps deemed expedient to confer an office so eminently confidential on a colonial man. His Excellency replied that he could not quite go that length with me, and that as respects the objection against colonial men, it was unfounded. Poor Stewart gave sufficient evidence of what colonial men were fit for, and His Excellency had no doubt but that I would be fully equal to the office, in many respects better than an English barrister. He went on paying me a handsome compliment. I added that, of course, I was but too grateful to him for his kind intentions, and hoped he would be able to serve me, and that I was more anxious to get into place after my recent illness than I was before it. I begged leave to add, however, (and I was encouraged to do so by what His Excellency said) that I still thought he might serve me effectually in another way which did not present so many objections as surrounded the office he proposed to confer on me. His Excellency said that he could not see the difficulties which I did, but, of course, would be quite ready if he could serve me in any other way. He added that he unfortunately thought ill of our bar from all he had heard and seen about its members, but for that very reason he would feel it his duty to advance my interests, entertaining the opinion of me that he did. This was his usual day for visitors, and I saw that I ought not to remain much longer, and not wishing to enter into a discussion as to my anxiety to obtain the district court judgeship, which might have rendered it necessary to explain why

I thought the place should not be conferred on a man in the service, &c., &c., I asked permission to state my views in writing. He replied 'Certainly,' and wished me at the same time to give the *pros* and *cons* as to the probability of my getting the office of Queen's advocate. I said I would do so. He then said that I should bring the thing before him at the very time when an opening existed, when I thought he could secure me the offer. He was besieged with applications and, therefore, I should not fail to let him know exactly when the time came that he could do then something for me, and that I might depend on his anxiety to serve me at all times. A desultory conversation on other matters ensued, and I bowed and retired.'

The Legislative session of 1854 was a noteworthy one in Ceylon annals, and, by the doughty deeds he performed, Morgan showed the sterling stuff of which he was made. Minor courts for the punishment of offences and for the recovery of small amounts, police courts and courts of requests as they were termed, were established. A bill, dealing with the fixed establishments of the colony, was before the House, and the opportunity was taken to endeavour to sever the connection between church and state. As a lawyer, Morgan's ability and experience in regard to the first named measure was of great service, whilst in regard to a 'free church in a free state' his enlightened christianity proved to be not less serviceable.

On the 30th of August, whilst the House was in committee on the bill 'to make further provision touching proceedings in police courts' the burgher member moved the insertion of two clauses, as follows:—

'Every person on trial in any police court shall be permitted to defend himself either personally, or by an advocate or proctor. And the said police courts may allow any prosecution to be conducted by an advocate or proctor. But nothing herein contained shall be deemed

to dispense with the presence of any prosecutor or defendant.'

'All advocates and all proctors entitled to practise in the supreme court shall be allowed to practise in any police court; and all proctors entitled to practise in any district court, shall be allowed to practise in any police court within fifty miles of such district court.'

In support of these Mr. Morgan spoke for an hour most felicitously and most effectively. So much so that at the close of the speech, after the motion had been seconded and briefly spoken to, the colonial secretary moved an adjournment for a week 'to give time to consider in detail the arguments so ably stated by the honorable and learned gentleman (Mr. Morgan).'

During the interval much interest had been excited in regard to the suggested amendments, and when the council met after adjournment, petitions from various parts of the country, but particularly from Moorish and other traders, were presented in support. Upon the resumption of the debate some excellent speeches were delivered, and at length Mr. Morgan rose to defend the clauses he had submitted. The speech is a very good one, [readers will be able to judge for themselves as it is included in vol. II.] and is thus borne testimony to by one who listened to it:—'Mr. Morgan especially rose with the occasion and convinced all present that he was not only a learned man but a ready man, a perfect master of fence, and his reply was a splendid specimen of extemporary intellectual gladiatorship. — had made a mistake, and Mr. Morgan did not fail to take advantage of the error. The retort was polished but frightfully keen.' More than that: what is very rare in debating assemblies, the speech was convincing and influenced at least one vote, for the *Colombo Observer* of that date says that Mr. Saunders went to council with prejudices against the amendment but deter-

mined to hear and decide. He listened, and after Mr. Morgan's speech, was convinced. When the division took place the numbers on either side were equal and the Governor, after considerable hesitation (after waiting twenty minutes, and considering the whole while, one record states) said, 'I am called on to give my casting-vote. I give it against the amendment.'

Nothing discouraged by this result, Mr. Morgan moved another amendment, viz. that 'authorized agents' (no person being deemed an 'authorized agent within the meaning of this ordinance except an advocate or proctor') have the privileges mentioned in the previous motions. Practically this proposal was the same as that which had just been rejected. This amendment was carried, the Government agent for the western province voting for it, and turning the scale in favour of the opposition. The victory was an important one, and was gained almost entirely by the splendid abilities of one man, and that man the burgher member of the council.

The debate on disestablishment was a feature of this session. By common consent, the most powerful speech in respect to argument (in graceful flowers of rhetoric it had to yield to one other) was that of Mr. Morgan's.¹ Only by the barest possible majority was a victory on this question secured for the continuance of grants from the general revenue in aid of religious teaching and worship.

In December 1854 entries in his common-place book were resumed by Mr. Morgan. On the 4th of that month, a long and not unimportant entry appears, which runs thus:—

'A perusal of Hanna's interesting memoirs of Dr. Chalmers has impressed me again (I hope the impression will not prove a transient one) with the impropriety of

(1) This speech appears in volume II.

not continuing regular entries in my diary. Such entries as the Doctor used to make, as well of passing events as of the trials to which he was subject, and in particular the agitations of his mind, awakened him to a sense of the danger which surrounded him and could not fail to prove interesting in after life. With Divine aid, the same thing may prove profitable in leading me to a sense of the error of my ways.

‘I must trust to time to bring up arrears ; I begin as with the present.

‘Up at 6, spent a portion of my time in gardening ; then writing an answer for the *Observer* to the dastardly attack made on Darley in Friday’s *Times*. A very worthy man is Darley. Would that I and all the members of council were as clear-headed, as pure and good-hearted, and as liberal-minded as he undoubtedly is. Then consulted with Darley and Prins about cases. Hurried to the court where I was engaged in a resumed trial from Friday, *Cross v. Another*. I think our’s the honest side, and, acting on my own responsibility, did not call evidence for defence. Judgment postponed, but must be for our side. Came home at 4. Studied case for opinion on *Wilson v. Madras Mortgage* question. Whether bankruptcy in Madras will affect judgment and execution (upon special mortgage) for land here. Spent evening in reading *Observer* and *Quarterly Review* for September. *Observer* has a bad and ungenerous article on the school commission, particularly the attack on Mr. Boake ; the article was very bad.

‘5th December.—No district court to-day, Lavillier pleading indisposition. Judges of supreme court not ready in my interlocutories, so had only a paltry police court case. Returned early and employed myself in arranging papers and answering letters. Reading Chalmers also.

‘6th December.—Went to council and heard, after I got

there, that it was postponed owing to the illness of Mr. MacCarthy and the General. Not sorry, as I want to get a little speech ready for the church question. Had a chat with Messrs. Gibson, Selby and C. P. Layard, regarding the school commission. The first admits the defect of the present board, but predicts much greater evil from a single man. I argue that everything will depend on the choice, and there will be little help if he proves a bad one, whereas there is not equal danger in a board.

Came home early after seeing F. and having chat respecting the *Times*' shameful attack on Darley and A.'s taking up on himself the imputation of breach of confidence. It is thus "conscience doth make cowards of us all." In the evening ; chatted with —, and read the *Edinburgh* and finished the last *Quarterly*.' .

Early in 1855, the sufferings of the allied forces in the Crimean war attracted attention in Ceylon as elsewhere in the British dominions, and a patriotic fund meeting was held in Colombo in the proceedings at which Mr. Morgan took part. Sir Charles MacCarthy made the best speech, but for oratorical display he was run very close by Mr. Morgan. At this time Morgan's correspondence was marvellously large and continued so till his death. In the following year his communications must have been enormous, for over thousand letters dated '18'6' remain, all of which required and seem to have received answers. Naturally, the major portion of them related solely to business, fees, cases in appeal and the like but many contain records of kindly acts, such as an acknowledgment from the (then) chaplain of Trinity, for the aid rendered in obtaining him that post ; others from the head master of St. Thomas' school, acknowledging receipt of fees for some scholars whose payments, through unexpected poverty, had fallen into arrears, and another from Edinburgh in which an offer of pecuniary assistance was respectfully declined, whilst a position in

the educational establishment, which had been obtained, was thankfully accepted. Amongst the letters received worthy, from intrinsic merit and graceful bye-play, of quotation, are some from Mr. C. A. Lorenz, then on a visit to Amsterdam. The first is as follows:—

AMSTERDAM, 2nd March 1855.

MY DEAR MR. MORGAN,—You must make all due allowances to a poor fellow who has been knocking about Europe at a most bewildering rate for sometime, and who, in addition to the annoyance of not being able to keep up his correspondence, has to put up with the additional vexation of having passed some of the most notable places without seeing anything more remarkable than a few cannons and few church spires and a couple of old women or so,—wife being reported sick at Amsterdam, and the utmost despatch required. Wife, however, being herself again, and the fire lit, and the kettle aboiling, I ‘write you these few lines hoping yourself and family are all quite well, as this leaves us here.’ I have had no letter from you, although by last mail no less than seven despatches poured down upon my devoted head, each one containing a full and detailed account of poor B.’s misfortune. ‘Mrs. B. died from poisoning administered by a relative, who was hanged for it,’ in addition to which I have had this day, after both E. and myself thought we had got over the shock pretty fairly, a tremendous letter from a friend in London, enclosing a slip of the *Observer* of last mail, containing another detailed account and sent up to me with an endorsement in large round hand, warning me to take care how I break the dreadful intelligence to Mrs. Lorenz. I respect B. very much, and regret his wife’s death very much indeed, but I confess, I can’t stand this—and all this preface I have written, in order to shew you that, however welcome a note from you would have been at any time, one at the present crisis, containing, as I am sure it would have done, another *detailed account* and embellished as it would have been with your famous black borders, would have been a decided nuisance. So ‘I am very much obliged to you, all the same.’

When last in London I could hear nothing about Ceylon, with the exception of Sir H. Ward’s appointment. I called on Sir Anthony Oliphant, who said that in case the Government here are willing to employ me, he would give me a character. Perfect good nature in him, for he knows as much of me as the man in the moon, judging from his having talked to me for half an hour, as the son of his respected friend Baron Lorenz of the Cape of Good Hope. But things begin to look blooming for Ceylon, I should say, for Lord John Russell is the secretary for the colonies, and Austin Layard, under secretary, and these two wisecracks may be able to knock out something excellent between them. If you can find in any of your books that professional judges are mentioned in Magna Charta, don’t fail to refer to it in your next petition: it will go down like shot with Lord John. You could tell Austin Layard that the great bull with wings at Nineveh was a type of a lawyer, and refer to the ancient Assyrian custom of tarring and feathering lawyers as a proof of the circumstance. With two such facts, you will be able to play the very mischief with all the civil service.

Coming back to myself by an easy descent from the last two celebrities, I must, in strict confidence, tell you that I am quietly going to slip in a memorial on my own behalf, and I dare say with the assistance of the old judge, who knew my father, the Baron, so intimately at his castle in Bloom Fontem, may be able to get a hearing. If so, and if my memorial is referred to Ceylon, will you stand my friend in return for all I have done for you in England (ahem) and put in a kind word here and a kind word there for me? You will be Sir Henry Ward's right hand man, I dare say, and a hint from you will suffice—item, a wink to MacCarthy, who may remember me as the very efficient secretary of the Colombo Athenæum, and a great admirer of his handsome lady who always sat opposite me at St. Peter's.

Sebastopol is not taken yet, but will be. The king of Holland is a nephew of the old villain Nicholas, and all the people here are Prussians. But the king of Holland has been and committed a dreadful murder (so they say) on an adjutant Borell down at a brothel in the Hague, and *Asmodier* (the Dutch *Punch*) has come out strong on the subject. I have made a note of it for future use against precocious Dutchmen, who would argue on matters which they have no concern in. What a precious set they have, to be sure, with the Czar, the king of Prussia, his murderous majesty of the Netherlands, and Lord Clanricarde in England.

Jenny Lind sang here last night, but as fate would have it, we could not go. She sings again on (as announced in German) *Sonnabend*, and Mrs. L. wishes to settle the question first, whether *Sonnabend* means Sunday evening or Sunday eve, preparatory to making up her mind. I am anxiously awaiting the result. Sunday concerts and bal masques are all the go here.

(From the same to the same.)

AMSTERDAM, 10th March 1855.

Thanks for your efforts about Voet. I have this moment received via Southampton a note from our esteemed friend, your brother, who says the book is not out as yet. I got out 150 pages of it in three weeks; and A. has not done half a dozen for three years. I shall, I expect, sit down with unutterable glee, on my return, to correct the proofs at the same place I had given up some three years ago. Vanderlinden I have begun, and perhaps would have finished, but for my long trip last month to England. I had begun at page 96 and am revelling in the delightful mazes of Nampheesewal on page 208, but to make the thing complete, I shall have to pick out bits here and there about jurisdiction and conflict, &c. in the previous pages, which you know are useful. You will be pleased to hear that I translated half a dozen pages at a run without referring to a dictionary, and things have come to such a pass that my wife actually laughed outright a few days ago, as she found Bredin and myself gravely conversing for nearly half an hour in good (?) Dutch—I can sing half a dozen street ballads, can imitate all the street cries, can read the *Courant* quite seriously, and can, if I choose (but I don't) swear in a manner perfectly horrible. But with all these advantages, I am afraid I can't finish the book before I leave England. Another book is over. Index, preface, dedication and all. The index is a perfect masterpiece as you will see. I have now only to see the revise, and you will have it by a mail or two. We heard Jenny Lind on Saturday last, and her husband,

Herr Goldsmidt ; they were both very good. Two years ago I should have been able to write you three pages of description on the subject, but I am now thoroughly used up, and nothing short of a new edition of Grotius will startle me.

A third letter was as follows:—

KENSINGTON, 24th June 1855.

MY DEAR MR. MORGAN,—I have most carefully perused the Rajawella case as reported in the *Observer* according to your advice, and feel quite refreshed after it. Mr. Temple told me that he was retained for the O. B. C. in the case, and I promised to see him as soon as he should get his brief. I am quite sorry that all my books, nearly two-thirds of those mentioned in V. d. Linden's introduction, are shipped and gone : or I should have been able to make myself somewhat useful, for you have no idea (oh ! by the way, I should not speak that way though, I was going to say, you have no idea how much law there is in the Hollandsche consultation and in Lorinc and Vander-Berg : but, of course you will excuse, me.) At present I have the *Jud. Pract.* a good edition of the corpus (legevair 1681, and V. d. Linden's supplement to Voet, and I shall have a look at them as regards the 'right of one executor to sell, and the force of promises and so forth, and if anything turns up, Duff shall have the benefit of it. I say, Mr. Morgan, won't we have a go at first class plantation (six bags to each of the defendant's counsel) as soon as we have licked them in the Priy Council, with plenty of cream and loaf sugar, and a wee bit of cinnamon to give it a flavour ?

As regards my return home, things don't look very prosperous, I met Sir Anthony Oliphant some time ago, who told me I should go a second time to Downing street and interview the—under-secretary, and I dreamt that night some incoherent dreams about Colt's revolvers and a quaking Irishman fainting into a basket of waste-paper, and afterwards hanging himself to a lamp post in Downing street with a bit of red tape.

I got a letter one morning which nearly frightened Ellen out of her wits, having a large black seal with the Bedford arms and with motto (*the savia savia*—or "key Sarah ! ' Sarah," as Mrs. Harris said to Mrs. Gamp, when she asked her for the latch key) and the ominous words "J. Russell" at the corner. I opened it and found a piece of red tape carefully worked up into the form of letter, which when combined into words read as follows : "dem colonial fellah ! don't know you ; speak to the gunner about ye. Vewi sorry to say so"—and in the meanwhile the late chief justice of British Guiana quotes my book in a case before the Queen's Privy Council and gets judgment. So let B. do his worst, there are relics of joy. B. dreams of that council which he cannot destroy, which augur a name that shall fondly be sung long after B.'s dust shall have stopped up a hole.

The old Governor has not arrived in London as yet. They say he is all wrong in mind and body, cut up at his own bad management in Ceylon, and desirous of drowning his sorrow in the cheap wines of the continent. I don't believe it. I think a Bengal civil servant ought to be proof against such maudlin sentiment. I saw L. some days ago by accident at Notting Hill. He spoke of Baling's children, whom his friends are willing to send to England. When are you going to send yours ?

Do you read the debates in the House of Commons? They are very exciting at the present moment. The allied forces have stormed Malakoff and been repulsed with considerable loss, which they are expected to pay off with compound interest when they get at it next. The attack took place on the 18th of June unhappily enough. The massacre at Hango will play the deuce with the Russians when the allies next meet them. We have often discussed the plan of going to the Crimea, wife and I, one by enlisting as a soldier or a navy, and the other as a nurse under Miss Nightingale. I am only afraid of the shock it would give Lord John and the whole colonial office.

It is summer at present, and with a vengeance. It is sometimes warmer than the warmest day I remember in Ceylon, and by way of making up, it is sometimes cold enough to make one's teeth chatter all at once.

The Rajawella case alluded to in the first paragraph of the last quoted letter was a *cause célèbre* in Ceylon. A coffee estate of large extent and great value was the bone of contention between certain executors of the original (then deceased) proprietor. Money for the upkeep of the estate had been advanced by the Oriental Bank Corporation, and eventually, in satisfaction of claims from the bank, the estate was put up for fiscal's sale and sold. One of the executors, Mr. Lindsay, on his return from England, where he had made financial arrangements, was startled to find that the estate had been seized. Proceedings for recovery were immediately commenced, and Mr. Morgan, with the Queen's advocate, was retained for the bank. Leading on the other side was Mr. Morton, an advocate from Calcutta. On the day that Mr. Morton was formally sworn as an advocate of the supreme court, Morgan's mental comments, as he witnessed the proceeding was, 'A fine intellectual looking man. I cannot furbish my weapons too keenly.' The trial took place in the district court of Kandy, and occupied a great many days in hearing. On his speech during the course of the trial Morgan was highly complimented by his own leader, Mr. Queen's advocate Selby, and generally was considered very successful. The case was one in which he had taken a great deal of interest, and for the accomplishment of which he had exerted all his powers. Consequently, when the proceed-

ings of the day were over he was completely prostrated, fits of vomiting occurring at intervals till late in the evening. The attack, however, was only of short duration. Judgment was given ten days after in favour of the bank, but was appealed against, confirmed in the supreme court, yet once more put in appeal and sent to the Lords, of the Privy Council, where we shall afterwards meet it.

A battle which had been raging for twelve years was decided this year, and victory secured in the person of Morgan, which contributed to bring him more prominently before the public than he had hitherto been. On one hand were ranged the members of the civil service, with the *status quo* on their side,—the ‘thing that is’ is a more powerful ally than can be conceived by those who have not resided in a despotically-ruled country,—contending that civilians only should occupy the post of district judges. Arguing to the contrary were the members of the bar and British merchants, an unusual combination, urging that only professional judges should, at least, sit on the bench of the chief court of original jurisdiction in the island where great shipping and mercantile interests were often at stake, and which trained and experienced intelligence alone was able to cope with. In 1844 the conflict began: in 1856 it was over, and the party of progress had won. Towards the end of 1855 a new Governor had arrived, a liberal politician, a whilom member of Parliament, a man of great physical activity and much energy. Sir Henry Ward’s coming galvanized the sleepy hollow which the island had become under the kindly but fettered and unambitious sway of the Bengal civilian who in decrepit old age had been sent to rule the colony. The island was refreshed and brightened by the new Governor’s coming, as a fresh healthy breeze in a long closed room drives away malevolent odours and disturbs long quiescent dust.

The existing incumbent of the Colombo district court bench had given notice of retirement, and in July Sir Henry Ward 'sounded' Mr. Morgan as to whether he would accept the soon-to-be vacant office. With his large practice at the bar acquiescence would involve large pecuniary loss to Morgan, whilst, on the other hand, to a Ceylonese lawyer the prospect which was exhibited, for the district court was a stepping-stone to the supreme court bench, was most alluring. Furthermore, there was the consideration to be met and faced that, in accepting judicial office with the paths opening out from the particular line to which he was drawn, Morgan was turning back upon himself and upon his career of independence of which he had not long previously been very proud. The radical principles in politics, too, which had been so dear to him must now be thrust in the background, as, even if cherished in his own breast, they could not be introduced into the council of the sacerdotal caste of officials, who rule England's crown colonies, arriving from the home country for this special purpose. Democratic tendencies and popular aspirations cannot live in such an atmosphere. The high priests of political state-craft are as little tolerant of popular movements and democratic reformers as Roman infallibility and Jesuit priests are of men thinking for themselves in the matter of religion.

All this must have pressed upon Morgan's mind with unwonted force, as he sat cogitating within himself as to the course he should adopt. Only a little time before, an attached friend, Lawrence Oliphant,—who has since made a name for himself as a *litterateur*, *Times*' commissioner, diplomatist, and in other ways—had written to Morgan, 'I am as great a radical as ever, and I hope you stick to your colours.' Mr. Oliphant, as private secretary to his father, the chief justice of Ceylon, had been a warm friend and earnest counsellor to 'the opposition' during the difficulties and troubles of 1848-51. He

entertained so lively a recollection of that troublous time that he subsequently wrote, 'I shall be very glad to hear from you whenever anything agitates the community.' Whilst there was all Morgan's past history to restrain him from accepting office, whilst this solitary voice from England was ringing in his ears, calling upon him to remain faithful to principles which had fascinated his early youth and in the promulgation of which he had gained great glory, a strong current had set in the other way. First and foremost Morgan was (though he would not admit this to himself) anxious for office, and in this he was only faithful to the aspirations of every member of an Asiatic community in a state of society where the *only* avenue for advancement is in official ranks and by favour of the king and his counsellors. Independent advancement was unknown, and in the Ceylon of 1800 to 1860 independent careers were only in a nascent condition. It is, therefore, scarcely matter for blame, though it may be occasion for regret, that Morgan, in the freshness of his yet early manhood—he was now thirty-four,—should yield to this influence, and, as he phrased it in a letter to his English friend Darley, 'take the shilling.'

Yet stronger, however, was the pressure brought to bear upon him from the outside. The bar, who saw in Morgan's appointment, the securing of a triumph they had fought strongly to obtain, urged him to accept office, his English friends with whom he had been banded in the constitutional struggle with the authorities saw no objection to his taking office; the European merchants, who had allied themselves with a class of whom, generally, they speak in terms of anything but cordial approval, to secure a professional judge on the Colombo district court bench, thought it was Morgan's duty to accept the offer, and told him so, while, strongest of all, the Ceylonese generally—who were then almost entirely

excluded from any save the most inferior offices,—were anxious that their claims to a share in ruling circles and the possession of high judicial power should be recognized in Morgan's acceptance of the proffered office and honour. Among a host of letters received at this time, the one immediately to be quoted may be selected, not only for the sound counsel contained in it, but also for the shrewd prediction which the writer made, but which he did not live to see fulfilled.

At that time, when the Eurasians of India and their cousins-German in Ceylon, the burghers, had made no conspicuous mark in continent or island history, when they were looked upon as a feeble and inconsequential folk, to have prophesied that one of them would become a Knight of the British Empire, required unusual acquaintance with the merits of individuals and of the class as well as uncommon shrewdness. These Mr. Darley possessed, and though a British merchant not trammelled by race prejudices, he could hopefully look forward to a great future for the class of which his friend Morgan was a conspicuous example of ability and honesty. Mr. Darley wrote :—

CLAPHAM PARK, 26th September 1856.

MY DEAR MORGAN,—I have always been intending to write to you, but I will not now let another mail leave without thanking you for yours of the 25th July, the receipt of which afforded me very great pleasure, not alone on account of the intelligence it conveyed, but, also, because it brought to mind pleasant recollections of the past.

The shadow of the coming event has been perceptible for some time, and I am therefore not surprised to learn that you have as you express it 'taken the shilling.' I always knew that if you were spared, this event must happen, but I used to try to forget it, and to think that the time was distant when any consideration would induce you to enlist. Your cordial co-operation and confidence made me in this matter somewhat selfish—but I also feared that the independent element in the council would be seriously weakened by your retirement whenever it might happen—for I despaired of seeing any one selected from among those whom you are understood to represent, who would discharge the duties with any approach to your own ability and independence. Not that I wish to be understood to suggest that the post of Legislative councillor in Ceylon is intrinsically important—for it is certainly not so—but it certainly does possess a degree of importance, inasmuch as

it involves *all* the direct power of interference in the government of the island which the people possess.

As to the propriety and expediency of your accepting the appointment offered you, I do not think there can be room for two opinions in the mind of any who are well acquainted with Ceylon. The community are now, and will be for years, too poor and too few in number to afford you professional advantages that would compare with the district court now, and the supreme court and *Sir R. F. Morgan*, looming in the future. I congratulate you upon the appointment and upon the manner in which it has been conferred—for I know you will value your antecedents too highly to fail to qualify yourself by application to fill the larger sphere of action that will be before you, to the advantage of the people among whom your lot is cast.

Your position in the council I can easily imagine you will feel to be rather a difficult one, and to have escaped from this, would it not have been well to have asked the Governor's permission to resign the moment you accepted office? The public have no claim upon you. If you try to serve them they will not recognise your efforts, and if you succeed in serving them they will repay you with detraction. I think that you might have so put this matter to the Governor, that, being a man of high spirit and honorable in his nature, he would instantly have accepted your resignation and that you could not, by tendering it, have suffered in the estimation of any.

It is no cause for wonder that under the influence of all these circumstances the non-official leader of the bar should consent to throw aside his gown, give up his pleadings, and sit (as is the wise custom of judges in the East in inferior courts) *sans wig and robes*, upon the bench to decide cases similar to those in which he had formerly taken an active part. The offer of the Governor was, therefore, accepted, and as soon as the acceptance became known, congratulations from all quarters flowed in upon him; the most original, and certainly not the least cordial, was the mark of rejoicing from a brother burgher, then acting as district judge of Chilaw. Mr. Lorenz thus signified his delight in a pen-and-ink sketch, which has been reproduced in *fac simile* :—



HOORAY!!!

My dear Governor,

The language at my command couldn't do it. But I've tried it in a sketch. So I says Hooray again !

Yours very sincerely,

C. A. LORENZ.

11th July 1856.

The members of the bar testified their pleasure in an address to the Governor which was in the following terms:—

MAY IT PLEASE YOUR EXCELLENCY,—We the undersigned advocates and proctors of the different courts of this island beg to wait on your Excellency

in respect of the change just effected in the bench of the district court of Colombo, with the request that you may be pleased to convey to Her Majesty's Secretary of State for the colonies, our most grateful acknowledgments for the great benefit conferred on the public by conceding to them, in deference to their often expressed wishes, the principle of filling up the office of the district judge of Colombo by a professional lawyer, a concession which cannot but be highly valued by the community as calculated to place the administration of justice in the important and populous district of Colombo on a firm, certain, and satisfactory basis.

While we thus offer our acknowledgments to Her Majesty's Secretary of State, we cannot refrain from expressing our warmest thanks to your Excellency for the selection to that office from among the local bar of our acknowledged leader, Mr. Richard Morgan, in whose talents as a lawyer and integrity as a man the public and ourselves have the most unbounded confidence.

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The merchants and other friends signified their delight in a more substantial manner. A subscription list was opened, and in a very little time £700 were contributed. At first it was proposed to obtain a magnificent piece of plate with this amount, but Judge Morgan's family was growing up, and he had set his heart upon his sons and daughters having advantages in the matter of education in England, which straitened means had rendered impossible for himself. His wishes became known to the committee, and the amount subscribed was funded for the education of his eldest son, Richard Hillebrand. A full account of the meeting at which the presentation took place appears in the appendix, but it may be here stated that the speech in acknowledgment was peculiarly feeling and appropriate, and couched in most modest terms. After alluding to the difficulties inseparable from a legal career in the resentments which a faithful performance of duty frequently engenders, and speaking of the anxiety with which he had accepted office, 'lest when I come to be weighed in the balance I should be wanting,' Mr. Morgan proceeded, 'Gentlemen, I accept thankfully the testimonial that my friends are pleased to present me. I should ill requite your kindness, did I not frankly state that I heartily agree to the mode in which you desire to invest the liberal sum sub-

scribed. A service of plate to one of my habits and those in which I hope to see my family grow up, will be perfectly valueless. It would conduce more to our real good, our lasting benefit, that it should be invested in the way you proposed. Let it form a fund laid out on trust, to be used, if need be, for the education of my eldest son ; and should it not be necessary to employ it for this object, which I hope and trust it will not be, then to be paid him, principal and accumulated interest, on his attaining his majority, to aid him in his advancement in life. I pray that this act of liberality will be an inducement to him in after-life to strive to make some requittal for the kindness shown to his father, by devoting his energies in the service and for the benefit of his fellow men.'

Not called upon to assume office at once, opportunity was given to Advocate Morgan to work off the large number of appeals which had been entrusted to him, the judges of the supreme court facilitating this arrangement by agreeing to hear first the cases in which he was engaged. He also sat for the last time on the unofficial side of the Legislative Council, and in this capacity spoke against the railway construction ordinance which had been introduced by Government. It was not that he objected to the construction of railways, or was, in the slightest degree, an enemy to modern progress. It was the mode in which the work was proposed to be done which aroused his antagonism. A company was to be formed in England, upon whose outlay up to £1,200,000, or even an unlimited sum, a guarantee was to be given by the local Government of interest at 6 per cent. Control was to be exercised by the Executive Council, a coterie of half-a-dozen gentlemen who, in addition to advising the Governor on all matters of importance, are likewise heads of large departments, and who, if faithful stewards, are greatly burdened with work.

Mr. Morgan objected both to the guarantee and to the controlling board. In the course of a comparatively short speech he said :—‘The question then presents itself. Are we to confirm this agreement by which the company are not to be limited to a stated sum? It appears to me—and I say this with all deference to the opinions of others with whom I happen unfortunately not to agree—that it would be unwise and dangerous to do so. I do not profess, Sir, to share in that horror of a company which I have heard some of my friends express : nor does it appear to me to fall strictly within the logical bearings of the question to institute an enquiry regarding names and men, to ascertain whether these can be trusted or those proved to be honest. Men are men, whether acting in companies or separately as contractors, and the lesson which a sound policy would dictate to us is, to take all reasonable precautions, whether we deal with a company or a contractor, to put it out of their power to abuse their trust by an inefficient or an extravagant performance of their work. It may be fairly assumed, that in entering into these undertakings, a company may be interested in extravagant expenditure, confident of good interest upon whatever they expend ; a contractor, on the other hand, will confine himself, if he can do so, to a minimum of expenditure. One of the most effectual ways of doing so is to fix upon a sum beyond which the company cannot charge ; and it is the want of this provision that I most strongly object to in the agreement before us. It is no answer to say, we cannot fix a price without knowing the line, ascertaining the distance, and settling the gradients, for these, Sir, should then be done beforehand. This may cause a little delay, it is true, but it will save much loss, much heart-burning, perhaps ruin, in the end. Without fixing a limit, and for that purpose procuring the necessary data, we may find ourselves involved in an expendi-

ture far greater than we have at present any conception of—far greater than we can afford. I will not say from design—but from ignorance of local circumstances, or from a variety of causes, perhaps some beyond the control of the company, the work may turn out far more costly than we expect—far more costly than we want or can afford to pay for. Once having embarked in it, however, and proceeded up to a certain stage, we may find ourselves compelled, with the view of not altogether losing what we have already spent, to go deeper and deeper, until many hundreds of thousands be added to the original estimate. The supervision, however, it is said, of the executive government, should be our safeguard. Sir, I have heard this argument with great pain. I never hear appeals of this kind but with pain, for their danger consists in exciting the feelings, instead of influencing the judgment. We know the men whom we are called upon to trust, we are in the habit of dealing with them every day of our lives, and have always observed how eminently trustworthy they are; and when the question becomes narrowed to this: "If you trust the executive government you will leave the matter to them," the mind naturally shrinks from forming a conclusion which may in the slightest way imply distrust of them. But, subduing our feelings, and viewing the question through the medium of our judgment, wherein consists the soundness of the appeal? Where the security that the present men will continue at the head of affairs, or if they continue, that they may not err in matters upon which men of professional skill constantly err—particularly, when not being professional men themselves, they must adopt the views of others? Honest themselves, and unsuspecting, may they not be made subservient to the designs of others? I cannot pretend to look into futurity, but I can look to the past, and my reading of what has taken place elsewhere, my observation of what has taken place here,

warns me of the danger of leaving things too much to trust. A work is undertaken estimated to cost so much: some unforeseen difficulty arises; the roof is unsuited to the climate, or the ground such as to necessitate an additional depth in the foundation—an additional thousand or two are wanted or the former expenditure will be all lost; and we go on, spending more and more, until the work is executed indeed, but at a cost far exceeding that for which it was originally estimated. If these results take place with reference to minor works and works estimated for, is the danger not increased a thousand-fold in view of the magnitude of a work such as a railway, to be constructed for the first time in the colony, and in respect of which plans, surveys, and estimates, have yet to be provided? With other matters pressing on their time and attention, how can we expect the executive government effectually to secure us against loss? I for one can sincerely say that I place the most unbounded confidence in the judgment and integrity of the executive government; but, with all my confidence in their judgment—and who can question it?—with all my confidence in their integrity—and who dare doubt it?—I should regret to see the work undertaken with no other security for its efficient and economical performance than the supervision and control of the executive government. Much must always be left to them, much must be taken on trust, but for their sakes I would bind down the company more, and trust them less. I would know before-hand that the work will not by any possibility cost more than a given sum, and that that given sum is what the colony can well afford. It would be unsafe to leave the question an open one, trusting to any men or Government: it would be unconstitutional to do so, for laws ought to be so framed, and contracts so prepared, that they cannot, not that they will not, be evaded. We do not neglect these precautions in the

ordinary, every-day matters of life: how much more necessary that we should not do so when we act as trustees of a public fund, and embark in an undertaking pregnant with such important consequences to the colony?’

Various other objections, such as the high rate of interest suggested, were alluded to, and the burgher member concluded, what proved to be his last speech as an unofficial, in these terms:—‘I have heard it said, Sir, that a railway will only benefit the European and not the natives. This seems to me to involve a contradiction in terms, for if it benefit the former, it must necessarily benefit the latter also. But even if this did not follow, it would still be the duty, in my opinion, of the natives patiently to submit to bear their share of the burden to secure so great a desideratum. But for European capital and European enterprise we should look in vain around us, for those marks of progress and development which we see everywhere. It may be a humiliating confession for a native to make, but it is nevertheless true that we owe entirely to the Europeans the success which this colony has attained. This objection will therefore have no weight with me and with my native friends. Gladly would we vote for the ordinance, but for the objections to the present agreement which I have endeavoured to point out.’

On the 1st of October, Mr. Morgan took his seat as district judge of Colombo, and before the year was out, what seemed only the biassed anticipations of a warm friend (Mr. Darley had written of a seat on the supreme court bench looming in the future) was realized. Mr. Justice Sterling was unexpectedly compelled to vacate his seat, proceeding from illness to England on privilege leave, and, on the 23rd of December, official notification of Mr. Morgan’s appointment as junior puisne justice was made to him. High honour this! His master at the academy had written respecting the sharp-witted

lad that he was ambitious, but the honour of reaching the supreme court bench and being addressed as 'M' lud !' long before he was forty, had never entered into Morgan's mind, and deeply humiliating were the feelings of gratitude he indulged in when, in the midst of his family, the offer was talked over. The wife, naturally, was full of delight, the old mother, whose youngest born Richard had been fondled in her arms, and watched over by her in the thick shadow of the great sorrow and distress of his father's death when but two months old, wept tears of joy as she congratulated her son upon his advancement. The next day he was sworn in, and, according to the *Colombo Observer* of December 29th, was received with great cordiality on the bench, while the gratification of the general community was very great.

Sir Anthony Oliphant, writing from the south of France, sent his congratulations to Mr. Morgan. In the course of his letter he said:—

'I am glad to see by a file of Ceylon papers lately received that the manner in which you acquit yourself of your judicial duties has given general satisfaction.

'I never doubted that such would be the case, and I feel sure that when a vacancy occurs in the supreme court, you must be promoted from your present brevet rank to a permanent seat on the bench. In my opinion it is absolutely necessary that at least one judge should be intimately acquainted with Roman Dutch, Kandyan, Tamil and Mahomedan law, and to your knowledge of all these, I can testify from your practice in the court in which I presided, and in which you generally lead on one side or other for some twelve or fourteen years.

'I trust that Mr. Lorenz, whom I saw shortly before he left England, will fulfil the high hopes I then entertained of him, and that he and yourself will, by your respective careers, prove to the world that native talent and acquirements are in nothing inferior to European.'

A SHORT AND BRILLIANT CAREER.

JAMES STEWART—*March 1821 : November 1850.*

Mr. Stewart's career has been so much connected with that of the subject of this biography that a few details may be given in this place. They will be useful as showing that sterling merit and high ability are fairly general in the Ceylon burgher community: they are appropriate in this connection, for the two men, as friendly rivals, spurred each other to greater energy. The difference in their lives, looked at from a public point of view, is most marked. Stewart, nowhere and at no time busied himself with the concerns of his fellow-citizens in the way that Morgan did. Differences so radical as this, however, did not sever their friendship, and when Stewart lay a-dying, and Morgan stood by his bedside, the former said to his friend, 'What shall I say to you, my friend? we have lived together, and we hoped to die together. There are ties in this world more enduring than those of relationship, and ours were such. Be as true to mine as you were to me. God bless you and yours.'

The Honorable James Stewart, Esq., was the eldest son of the late Captain James Stewart of the Ceylon Rifle Regiment.¹ He was born on the 24th March 1821, and received his education at the Colombo academy under the Rev. Joseph Marsh. His progress in study was

(1) In giving some particulars, from which copious quotations are made in the succeeding pages, the *Colombo Observer* of 1871 said:—'We need not, we feel certain, offer any apology to our readers of any class for the space we devote to the following notice (prepared at our request), of a career honourable to the individual—honourable to the British Government whose policy in this Crown colony has afforded and still affords scope for the exercise of local talent—and fraught, in its power as an example, with important consequences to the educated and rising people of the land.'

such as to call forth the marked praises of Mr. Stewart Mackenzie, who, as Governor, presided at the yearly examination of the academy in 1837. On leaving school Mr. James Stewart studied for the bar, which at that time presented the only prospect of success for promising young men. He was admitted as proctor of the supreme court on the 11th of July 1840, when he was only nineteen years of age. He was not a week in the profession when he distinguished himself in a case before the north district court then presided over by Mr. Whiting. Amongst the Moors, the head Moorman, priest, and other functionaries enjoyed certain rights by long custom: they must have certain honours paid to them, they alone can officiate in certain ceremonies. One of these monopolists prosecuted a Moor for an infringement of his rights, and claimed pecuniary damages. Such cases were then very frequently instituted, and the facts, being established, were successfully maintained, and hence the right itself was by a kind of universal consent regarded as indisputable. Mr. Stewart, however, who appeared for the defendant—instead of following the old plan of meeting the case on the facts—boldly questioned the law; he denied the legality of the custom, as it was calculated to establish an injurious and improper monopoly, to affect the freedom of choice which parties were entitled to, and as it was a custom *contra bonos mores*. He established his position by authority from Voet, Vinnius and Heineccius, but the case was decided against him and he appealed from the decree. It was in this case that he made his first appearance in the supreme court before Mr. Justice Carr (the chief justice attending merely to hear the arguments), who, whilst setting aside the decree and remanding the case for further enquiry, congratulated the young lawyer on the success of his first appearance, and passed a high enlogium on his able conduct of the case.

Though he failed in this his first case in the district court, yet an impression was created in his favour owing to the skill and ability which he displayed, and retainers poured in from all quarters.

He infused new life in the procedure of the district courts. Every day saw some new question raised, some new point mooted, many of which not only startled the bar, but greatly embarrassed the Government and led to the alteration of existing laws. It was by him that the jurisdiction of the district court to entertain cases occurring in the roadstead—which jurisdiction was exercised day after day before his time—was disputed and that successfully. He it was who first questioned the right, never disputed before, of a prosecutor in a criminal case to appeal from the finding of acquittal pronounced in favour of the prisoners, calculated as such right was, if conceded, to affect the broad and constitutional principle which he most ably vindicated, that a man cannot be tried twice for the same offence. He also completely paralyzed the department of which he was afterwards the main-stay, by moving in arrest of judgment in a case wherein his client was convicted, on the ground that he was tried, not upon an information presented by the Queen's advocate, as required by the charter, but upon a simple affidavit (as was universally the case then) sworn to by the complainant. The consequence of this proceeding was that the greatest confusion existed in the department of the Queen's advocate.

Mr. Stewart's practice rapidly increased, and his superiority became so fully established that no case of importance came on without his appearing in it on one side or the other. In 1842 when the division of the bar was proposed, Mr. Stewart was unanimously elected by the proctors to appear on their behalf and oppose such division. Both the bench and bar joined in extoll-

ing his speech, and Mr. Advocate Selby, who appeared on the other side, exclaimed that if the proposed measure served no other object than leading to the enrolment of Mr. Stewart as advocate, an office in which he would have greater scope for the high talents which he possessed and so eminently displayed on that occasion, it would achieve incalculable good to the profession and the country. Much to the regret, however, of Mr. Stewart, the proctors, and the country, the measure was carried, but as it did not come immediately into operation, Mr. Stewart was not enrolled as advocate till the 24th December 1844.

The story of the change in the jury laws from Mr. Morgan's point of view has already been told. It may be interesting to note what the biographer of James Stewart had to say of his hero's share in the business. The writer remarks:—'At this time the state of our jury laws was under consideration and every one concurred in the propriety of revising them. As they then existed men sat, not only according to their respective castes, but also according to their classes, these classes being so many subdivisions of each caste. The consequence was that the number on each list was very limited, and a jury box not unfrequently was filled by parties who were related to each other. The Government not wishing to interfere more than was absolutely necessary with the feelings and long cherished prejudices of the people would not force different castes to sit together, but determined at once to break up the obnoxious subdivision of each caste into classes, and an ordinance was accordingly introduced having for its basis this most desirable object. The first class Wellales took umbrage at it and petitioned against the threatened fusion of classes. The other classes of the Wellale caste thought the change favourable, and prayed that it might take place, and the Legislative Council determined upon

hearing each party by counsel. Mr. Stewart was retained for the non-contents, and every one who heard his celebrated speech on that occasion could not help applying to him Milton's words :

His tongue

Dropt manna, and could make the worse appear
The better reason.

'All who understood the nature of the discussion saw what a hopeless case was entrusted to Mr. Stewart, and yet he so represented and argued it, that one felt almost inclined to wonder at his own obtuseness in not previously discovering the sound views of policy which, according to the learned counsel, called for a decision in his favour. There was no mistaking, however, his own views and feelings.

"I freely admit," said he, "that the distinctions under consideration may well be discontinued by those who are at present governed by them; and I should myself hail the day when such distinctions should only be known in the pages of history. My duty as counsel I consider as by no means compromised by a candid avowal of my sentiments, or I should not have appeared for my clients at the bar of this hon'ble council. But the distinctions are now in existence, and the feelings of the people founded on those distinctions are not to be causelessly injured.

"The rights of individuals are not to be taken from them but for some corresponding advantage to society. To proceed beyond this is an exercise of tyranny which no wise or liberal government can sanction. Upon the same principle every man has a right to have his own feelings and to exercise them, unless the good of society require the contrary. It becomes necessary, therefore, to consider the advantages proposed in the contemplated disregard of the feelings of the native community of this island comprising so many thousands of Her Majesty's subjects."

"The injury likely to arise from the forced amalgamation was very skilfully put :—

"With the feelings of shame and disgrace which (however unreasonably) attend the intercourse of the higher with the lower classes of natives, is it too much to say that there will be an utter absence of that deliberate and harmonious consultation which is so necessary for the purposes of justice and which constitutes the greatest recommendation of the jury system? But it will be answered that the feeling is unreasonable and improper, and should therefore not be countenanced. I leave it to this hon'ble council to judge between a proposition so monstrous, but yet unhappily so common, and the prisoner at the bar charged with murder. Suppose the prisoner's life depending on the judgment of his peers. Under such circumstances, is it too much

for him to ask, or this hon'ble council to grant, that he should be fairly and impartially tried, and that his peers should exercise in his favour all the advantages which may result from the closest consultation? Or, are these advantages to be dispensed with, and the prisoner to be satisfied in lieu thereof with the miserable mockery of the sentiment I have adverted to?

"No legislation, however much it may control the conduct of mankind, can operate so as to direct the mind and to repress the feelings. Here, even power becomes impotent. Brooding over the sense of shame (unreasonable though it be), and the violence done to feelings deeply and sorely injured, I leave it to this hon'ble council to say how little calculated the minds of a jury composed of various classes of natives are to give that calm, unruffled, and undivided attention to a cause which perchance may involve the life, liberty and reputation of a fellow creature!"

'Again :—

"One of the great objects of the trial by jury is, assuredly, to secure an independent and impartial opinion. Where a jury is composed of different classes it is manifest how little the independent votes of the lower classes can be calculated upon. Much as I dread the want of independence on the bench, there the conduct of the judge so lies open to public revision, that the evil is comparatively small, and, except in some cases, we may hope to see it rectified. But who can apply the remedy to the want of independence in the members of a jury? Withdrawn from the public eye, in the secrecy of private consultation, who can detect, or who prevent, the influence exercised on the votes and opinions of the lower classes by the operation of the causes I have mentioned? Under the English system of an unanimous verdict, it may be hoped that the solemn obligation of an oath by saving one honest and independent jurymen from such influences may prevent an improper verdict being given; but the evil becomes fearful, when, as in this country, the balance of but one vote, so as to compose a majority, may consign an innocent man to the gallows?

"To me, much reflecting on these considerations, I confess it appears a most serious alteration of the system which has hitherto been in operation, to discontinue the distinction of classes: and I am utterly at a loss to conceive the reason for its *immediate* adoption."

'The charge of absurdity brought against these distinctions was well noticed by him :—

"But admitting their absurdity to the fullest extent, it will be perceived that the observations I have submitted respect the impolicy and impropriety of an untimely interference with deep-rooted prejudices founded though they be on such absurd distinctions. The feeling is not the less acute, nor the pain less exquisite because it is unreasonable. And it is to be borne in mind that these distinctions are peculiar to the East; and that the feelings associated with them are to be considered through the medium not of English but Eastern ideas."

'The conclusion of his speech was as follows :—

"In retiring from the bar of this hon'ble council, I cannot close my

observations without the expression of my thanks for the indulgent attention I have received, and I leave the interests of my clients in the keeping of this hon'ble council, fully persuaded that notwithstanding my great inefficiency this hon'ble council will, in its dispassionate and wise consideration of this most serious matter, see the importance, nay the absolute necessity, of deferring for a time the discontinuance of the distinction of classes into which caste is divided. And although this hon'ble council should deplore with myself the existence of such a distinction, I trust and do confidently hope that it will perceive the impropriety as well as the impolicy of an ill-timed and hasty interference with deep-rooted feelings, almost indeed of veneration, with which that distinction is at present associated. To the civilized mind and the christian heart it is doubtless painful to witness such prejudices in existence, but there is a consolation for both under the reflection that there is a prospect of better things to come. Education with its benign influence has already done much amongst the people; and I feel assured that before its salutary effects and its extended influence even the prejudices of caste and class will die away. When that efficacious and certainly more politic remedy has been applied, and has levelled, as it soon will, these distinctions with the dust, then will it be the pleasure of the philanthropist and the timely duty of the careful legislator to refuse the sanction of feelings and habits, which, if disregarded at the present, needs not the aid of prophecy to foretel, will involve in one common grave the advantages of the jury system, and the affections for the Government of thousands of Her Majesty's subjects."

'The result of the discussion is well known. All distinctions of caste and class were completely swept away, and the test of language only in framing the jury lists retained,'—wisely, as subsequent experience has shown.

In October 1843 Mr. Cumming, the deputy Queen's advocate of the Midland circuit, died, and Sir Arthur Buller, then Queen's advocate, who had long and attentively watched Mr. Stewart's promising career and saw the advantage of securing his valuable services, offered him the vacancy with a salary double that which was attached to the office, £400. He accepted it on the distinct assurance of Mr. Anstruther, then colonial secretary, that the office would only be a stepping stone to his future promotion. The *Observer*, in notifying the appointment, said that the Government did more by it to repress crime than whole tomes of legislation could have achieved, and verily this has proved true. Shortly before his appointment Mr. Stewart appeared as counsel

for the prisoners during one criminal sessions, and of five prisoners tried, all were acquitted save one. When he was counsel for the crown, on the other hand, out of eighteen prisoners tried at one of the Kandy sessions, all were convicted save one. That one got off on the ground that the breaking into the house which was necessary to constitute burglary, with which he was charged, was not established : but no sooner was 'not guilty' pronounced, than Mr. Stewart, ever ready and prepared to meet all views of the case, handed an indictment to the registrar charging the prisoner with simple theft. 'What !' exclaimed the advocate for the prisoners, with manifest chagrin, 'could you not allow me the credit of one acquittal ?' Mr. Stewart was inexorable ; the prisoner was again tried and convicted. As counsel for the crown his name was a terror to the lawless and the wicked ; the guilty saw that their fate was sealed and that there was no chance of their escaping owing to any want of ability, or zeal, or vigilance on the part of the prosecutor. Though second deputy Queen's advocate, and that for the district of Colombo only, he was chosen to conduct all important cases in the chief town and at the out-stations. When the fiscal at Galle was prosecuted for heavy damages, Mr. Stewart was sent up specially to defend him. When Colonel Braybrooke brought his case in Kandy against the Government, Mr. Stewart's services were again required to appear for them, and this he it remembered when there were deputies for each of the stations, besides the deputy for the whole island, and the Queen's advocate himself. In nearly all these cases his opponent as lawyer was Richard Morgan.

In October 1847 Sir Arthur Buller left Ceylon on leave, and Mr. Stewart was then appointed to act as deputy Queen's advocate for the whole island, in which office he was confirmed in November 1848, on the

appointment of Sir Arthur to the Calcutta bench and the promotion of Mr. Selby to the office of Queen's advocate.

Mr. Selby never failed to consult him in all matters of importance and was ever foremost in acknowledging his worth. In the disturbances of 1848, Mr. Stewart, though only deputy, was frequently consulted by the Government in regard to their movements, and a pleasing trait in his character, showing how inoffensive he was in manner and how he endeavoured to conciliate all parties, is exhibited in his rare fortune in escaping, though the confidential adviser of the Crown, all odium or observation, whilst most men, who had a far less serious part to act, incurred the one or excited the other.

In December 1849 Mr. Selby was summoned before the parliamentary committee, and Mr. Stewart succeeded him as Queen's advocate and member of the Legislative and executive Councils. Of the manner in which he presided over his important department and regulated the machinery of the whole, it is impossible to speak in terms of too great admiration. His deputies, the magistrates, justices of the peace, and indeed all Government officials will testify how ready he always was to advise and assist them, and how comfortable and safe they felt in the assurance that he was the person to protect them in the *bonâ fide* execution of their duty and to conduct them safely through all difficulties. There was a moral weight attached to his name which inspired his clients with confidence and struck the guilty with awe. The latter feared and dreaded him. A serious murder case occurred a short time ago at Galle, in which though the proof was strong against the prisoner, great interest was exerted in his favour. This induced Mr. Stewart to determine on going there to conduct the prosecution, but by some mistake the case was brought on by the provincial deputy, the very morning Mr. Stewart left Colombo. Everything promised fair for the prisoner and the local

prosecutor was beginning to despond. Suddenly the coach arrived, and Mr. Stewart, when he understood that the case was under trial, hastily put on his gown and entered the court. A sensation was immediately created, and the involuntary exclamation of 'Ana! den Pallachie,' burst from the anxious friends of the prisoner. 'Alas! now all is lost.' And so it was—all was lost to them. A question had just then been argued as to the admissibility in evidence of a certain rumour ascribing an improper intimacy between the deceased and the prisoner's wife—an important item it will be seen as supplying the motive which induced the crime. The judge was for rejecting the evidence, when Mr. Stewart, with that singular readiness and admirable presence of mind for which he was always distinguished, pressed for its admissibility, not to show that such was the case from its being a rumour, which would be mere hearsay, but to prove that, whether true or false, such a rumour did, in point of fact, exist, and having reached the prisoner incited him to commit the murder. The distinction was an intelligible one and was upheld by the judge, who thereupon admitted the evidence. Whilst the judge was deciding the point Mr. Stewart seized a few minutes to read the notes of the evidence already received and took up the conduct of the cause. Immediately it was clear that things were taking a different course. 'All was indeed lost!' The prisoner was convicted.

His practice as a private advocate continued to increase rapidly. In the great Stewart Mackenzie case, in which a barrister went from England to Ceylon upon a retainer of a thousand guineas besides expenses, Mr. Stewart was retained to conduct it in Colombo, and that barrister acted under him. Add to this that he was incessantly applied to for advice by private parties, and was, besides, the standing counsel of the great majority of mercantile houses and proprietors of estates, and of the

banks. It is reported of Lord Mansfield that he was often heard to say that he never knew the difference between a total want of employment and an income of £3,000 a year. There is a freemasonry observed in respect of such matters that prevents our getting from lawyers here the exact figure of their incomes, but there can be no doubt that within a very short time of Mr. Stewart's entering the profession, he realized, and that deservedly, a far larger income than any proctor or advocate before him, of the greatest celebrity, enjoyed. After his permanent appointment as Crown counsel, Mr. Stewart could not afford time to attend so assiduously to private practice as he did previously, and, therefore, as a general rule, received no retainers to appear in the district court, under twenty-five guineas. In spite of this determination there were often scrambles in court as to which party should retain him first, and not a few were the disputes between the plaintiff and defendant as to which of them was entitled to his services. Indeed, many cases can be mentioned which were never pressed forward or even instituted—nay, were avowedly abandoned by a party—merely and solely because his opponent had been beforehand in securing the valuable services of Mr. Advocate Stewart.

His skill in narrating facts, in arguing upon probabilities, in marshalling and sifting evidence, shone brilliantly in cases of fact and in his openings and replies in criminal trials. A handsome compliment was once paid to this talent of his, though by a humble individual. Mr. Stewart was conducting a case at Matara against the shroff at Hambantota, who was charged with stealing kachcheri money. It was a case depending entirely upon circumstantial evidence, and, in his opening address, the advocate skilfully brought out all the facts and showed their bearings against the prisoner. The judge's house was not far from the court, and his European

coachman—a plain sensible man—answering certainly to the common description of jurymen, was loitering at the doors of the court and hearing the address. He was astonished to find when the advocate sat down that the judge adjourned the case in order to hear the witnesses. ‘Hear witnesses!’ said the poor man to his master’s son, ‘what on earth is the use of hearing witnesses after such a speech? Can there be a doubt as to the man’s guilt? If I was judge I would dismiss the jury and sentence him at once.’

As a legislator his career was short; his work was to effectuate measures which originated with the judges of the land, merely to put into legal form and reduce to legal language the suggestions of others. Confined, however, as he was within this narrow compass, Mr. Stewart liberalized, so far as he could, the provisions submitted to him. The extension of the right of review to all errors of law—the repeal of the absurd provision requiring all the grounds of error to be set forth in the petition—the power given to direct new trials—all which, those who consider the court of requests ordinance objectionable must nevertheless admit are its redeeming qualities, were introduced by, and are clearly attributable to Mr. Stewart. To him, therefore is all the praise due for the liberal provisions engrafted on the project: upon other shoulders must alight the odium, whatever it may be, of such project. All that he is responsible for is the performance of the work required of him; and the highest legal authority in the country has said of the ordinances, that, whilst they ‘carry out the intentions of the Governor and the judges,’ they were ‘very carefully and skilfully drawn and do much credit to the acting Queen’s advocate.’ They are indeed specimens of the mode in which ordinances should be prepared: drawn in a simple and compendious form, free from all prolixity and tautology.

For months before his death Mr. Stewart was occasionally troubled with fainting fits, particularly when he had to make any uncommon exertion of mind. A few days previously to his being seized with illness in council, he had to walk about a mile in following to the grave the remains of an old fellow-practitioner whom he much respected, and he complained that he was several times ready to sink to the ground from utter exhaustion. The same feeling was experienced on his walking the short distance between the colonial secretary's office and the Queen's house, but he attributed all this to mere debility—a debility induced, as he naturally enough concluded, by constant exercise of mind and deep and anxious thought, and to his want of due sustenance and rest,—for so intense was the interest he took in business that he utterly neglected both whenever any matter of importance engaged his attention, so that it was a matter of constant occurrence with him, whenever he had a case in court or any other serious engagement to attend to, to leave home and remain the whole day without a single morsel of food to support him. From the first moment, however, that Mr. Stewart took to his bed, and the real cause of disease was, upon due examination, ascertained, his medical attendants had very slight hopes of his recovery. All that skill and ingenuity, all that care and attention could effect was readily and cheerfully exerted in his favour. The acute symptoms of his disease soon yielded to treatment, but in a few days appearances of general dropsy supervening left little to hope for.

On Tuesday morning, the 18th of November, he finally sank with scarcely a struggle. The newspaper writer adds:—

The public loss sustained by his death is irreparable. His great eminence as a lawyer, his spotless integrity as a man, made his services inestimable and his life invaluable to the Government and the country; whilst his immeasurable superiority to all his compeers will render hopeless the pros-

pest of supplying effectively his room. Without any patronage bestowed upon him, or interest exerted in his favour, by the force alone of his own brilliant yet self-acquired talents, Mr. Stewart achieved a high position for himself—a position which commanded the respect and extorted the admiration of all classes of the community. And let it not be forgotten that the man who did so much, and to whom the highest offices in his profession must speedily have been conceded, was only thirty years of age when he died; and that he had acquired his knowledge in this country where the means of obtaining a general, much more a legal, education were so few and humble. Is it surprising, under such circumstances, that his countrymen should point to his career with pride; and should feel a satisfaction in extolling the merits of an individual who, with all the difficulties which lay in his path, and in spite of the disadvantages under which he laboured, attained distinction and wrought his way to official rank, such as was gained by no Euro-Asiatic before him either here or on the continent of India? When humbled at the thought of how little the people of the country have done for themselves, what little talent they have displayed or enterprise evinced, what slight efforts they have made towards promoting the moral, religious and social interests of themselves and their fellow-creatures, when reflecting on the nakedness of their land and the barrenness of the prospect before them, it afforded no slight consolation and pride to them to dwell with exultation upon the career of one who was essentially of the country, and who so amply vindicated its honour and good name.'

CHAPTER VI.

1857—1863.

At the time when India was becoming greatly excited by rumours of mutiny or of actual outbreaks among the sepoys in northern Bengal, Mr. Justice Morgan went on his first circuit. The record he has left (in his own handwriting) of the preparations for, and the actual experience on, the journey are full and very interesting. As a record of a style of travel now nearly extinct—thanks to railways, roads and steamers—the details are worthy of being quoted in full. As the years pass on, and the progress of civilization makes itself more felt in Ceylon, this record will acquire additional interest.

It should be added that the first part of the paper to be quoted was drawn up (from memoranda made at the time the journey was taken) as a guide to Sir Edward Creasy, when he first went on the northern circuit :—

ARTICLES REQUIRED FOR THE JOURNEY AND AT JAFFNA.

Memo.

To save expense we sent off by sea the things required for use at Jaffna. (I got lists from Mr. Loos, and others.)
• They were as follows :—

1 dozen sherry.	1 pint salad oil.
1 „ champagne.	2 tins salmon.
1 „ claret.	2 „ carrots.
2 „ beer.	1 bottle mustard
1 „ porter.	2 „ pickles.
½ „ port wine.	1 ham.
½ „ brandy.	1 tin of flour.
3 bottles tart fruits.	1 lb. macaroni.
3 half-pint sauce.	1 lb. vermicelli.

1 jar raspberry jam.	2 table cloths.
1 loaf sugar.	2 dozen towels.
2 lbs. mixed tea.	4 „ soda.
6 lbs. candles.	4 „ lemonade.
4 measures coffee, in bean.	

The freight (Mr. Murray who must be asked to receive them, and he will pay the same in the first instance) is twelve shillings.

Thirteen coolies are wanted for a palanquin, that is two sets of six carriers each and a head or peria-boy.

I found it necessary to take twelve more for baggage.

2 for a portmanteau containing clothes, (the lighter the better and not many, as you have good washermen at Jaffna.)

4 for canteen, (great nuisance, much better to separate the things and carry them in small bundles.) This contained plates, knives, forks, spoons, coffee (ground) and tea,—also sugar, sago, arrowroot, mustard, salt, vinegar, pickles, jam.

2 for kitchen utensils, (two sauce pans, one milk pan, one frying pan, and a small iron for roasting, &c.) On the coast road, however, I found lots of pans and pots in the rest-houses.

2 to carry rice, curry-stuff, cocoanuts, potatoes, &c., flour.

1 tin containing bread and biscuits, and three bottles soda and ditto lemonade, (the bread must be double-baked.)

1 box, two bottles sherry, nine claret, one brandy, and six soda, and six lemonade, (a cooly will carry eighteen quarts.)

We had no difficulty in procuring poultry, eggs, milk, &c., on the way, in some places much cheaper than at Colombo.

The tolls came to £1-12. You get meat in Jaffna; cheap, but very bad. Mutton indifferent, three shillings a lean, and six shillings a fat, sheep. Poultry ill-fed and indifferent, but not dear. A fair-sized turkey cost us eighteen shillings.

The Queen's house is provided with a dinner set for eighteen—glassware broken, and for not more than twelve (Mr. Murray, however, who lives close to it will get you what is wanted.) No table-cloths or napkins. The bed has mattresses and pillows, but no sheets or pillow-cases.

The greatest bore in Jaffna is the applications for

charity that trouble you from the moment you enter the place. You can hardly find time to read the petitions that are presented. Put off till the day you leave giving to any, for the more you give the more they'll flock to you.

Medicine box. It is desirable to carry one with you. I had a nice little one containing calomel, quinine, sal-volatile, James' powders, gentian, epicac, cholera mixture, turpentine, laudanum, Tr. ginger, Epsom salts, sedlitz, purgative pills, dysenteric pills, plaster, lint. Luckily not a drop was used. The box is at your service if you want one.

Care must be taken always to start your baggage four hours before you leave. We planned the journey so as to reach the rest-houses early in the morning. Breakfast and dine there, and leave in the evening.

The record of the journey is then given day by day, and to it is appended an account of the proceedings in the court at Jaffna.

25th February.—Left Colombo about quarter to 11 A.M.

NEGOMBO, 23 miles from Colombo. in a palanquin carriage and with three horses. Got to Negombo at half-past one, stayed there till four,

when we got into the palanquin and reached the Toppoo river (five miles off Negombo); after 5, ferried over and

NATÁNDE, 16 miles from Negombo—39 miles from Colombo. went on, reaching Natande (11 miles from Toppoo) at 9. Fine rest-house, and attendance good. Slept there

till 2 A.M., when we got coolies up and pushed on and

CHILAW, 12 miles from Natande—53 miles from Colombo. reached Chilaw at half-past seven in the morning (12 miles off and 53 miles from Colombo). Road fair, but

full of ruts and holes, and calculated to try rather severely the wheels of a carriage.

There is a house here prepared for the judge, and furnished with a bed, a couch, table, chairs and wash-

hand stand. Linen clean. Mr. Pieris, the deputy fiscal, a particularly civil and obliging man (Mr. Temple, I believe, calls him the Lord Chesterfield of Ceylon, and he was a favourite even of Sir William Carr) furnishes the place for some £2 per month which the Government allows him. But the house is in a tumble-down condition, and standing as it does in the midst of the island, exposed to the 'hard blowing,' one feels rather nervous in staying there a night. And as to the out-houses, &c., they are in a wretched condition; no accommodation for a bath. As I was only staying there a day, Mr. Casie Chetty asked me to stay at his place which he had kindly prepared, and I did so. (The tappal leaves for Colombo at 8 A.M., and that from Colombo arrives about 3 P.M.)

There was but one case at Chilaw, and the court closed after hearing it. Next morning I visited the goal which is on the town side of the river. I observed several young women and children imprisoned for offences under the salt acts. These acts operate very cruelly in their results. Stores where salt may lawfully be purchased are at very great distances from each other, and the people (all wretchedly poor and leading a hand-to-mouth existence,) instead of walking these distances, scrape a little salt from the gatherings along the coast, or prepare it by boiling the sea water; they are brought up and punished by imprisonment, fines they are utterly unable to pay.

There is nothing worth seeing at Chilaw excepting the tobacco plantations, which in cleanliness and beauty of appearance vie with a coffee estate. An immense large Roman Catholic church, opposite the judge's house, not quite completed, and an establishment near the Pettah, where a class of weavers (who were brought over from the Coromandel coast in the time of the Dutch Governor Vandergraff in 1792) manufacture coarse cloth, napkins, and towels, very largely used in the country.

At Chilaw we had to engage fresh coolies in place of

those who failed as agreed upon to join in Colombo or fell off since we left Colombo. I found the night before we left Colombo that we had great bother in getting the coolies together. They insist upon getting advances, and some run away after receiving their shares, others get drunk and lie in the taverns. With the aid of the police, and after several hours' delay, we succeeded in getting the men to leave, excepting four who could not be found.

We took our things in boat to Negombo, and as we could get no fresh men at Negombo brought them on a cart to Chilaw. At Chilaw it was only after great difficulty, and by the interposition of the district judge and constable, that we got four men to join us, and that the four men from Colombo got only 15 shillings each. I brought my pony with me, but found the horse keeper and grass-cutter had got lost on the road and neglected the animal. This, added to what I heard at Chilaw, that it would be difficult to procure water and grass further on, led me to send the animal back to Colombo.

We left Chilaw at 5 P.M. (the coolies left at 2 P.M. on the 27th February), and, after crossing the Dedderoo Oya (a river which crosses through the Seven Korles and discharges itself into the sea two miles north of Chilaw,) we went on along a very sandy and broken road and reached Baltootoo Oya at quarter to 9 P.M.

There is here one of the best rest-houses on the road to Jaffna situated on the banks of the Oya, very clean and cool. The rest-house keeper is a Malay man, speaks English well and has lots of poultry, eggs, milk, &c., ready for travellers.

The river swarms with alligators, and it is well worth staying an hour or two after daybreak to see the numbers basking on the shore. We saw five, and ten had been killed the day before in revenge for one of

12 miles from Chilaw.

65 miles from Colombo.

them running away with the rest-house keeper's cow. A small one (about four or five feet long) was shot and brought to us at the rest-house. People nevertheless freely bathe in the river, and, in answer to my enquiries, told me they were not afraid, as no one had ever been killed there. There are some kinds of alligators which are said to be harmless, but these can hardly be of the kind. A peon of Mr. Caulfield's was destroyed one day, only 10 miles off, though the place where he went in was only knee deep, and he wished to get a little water to wash his mouth with. I suspect the security of the people consisted in their bathing in numbers, and making a great noise during the time. (The tappal leaves this place for Colombo late at night and arrives from Colombo about 8 P.M.)

We left Baltootoo Oya at 2 P.M. on the 28th February. Two or three miles away from it we came in sight of the Calpentyne lake. The road from this place is on the sand and, with hardly a tree or vegetation of any kind, the glare is most painful, and if ever I come this road again, I'll try to leave Baltootoo Oya at night, so as to reach the next stage at dawn.

Some four miles from Baltootoo Oya we came to Moon-del, a fishing village, where the coolies rest awhile and help themselves to a drink of water or cocoanuts. We then pushed on and reached Madamcooly about 7 P.M.

There is a nice rest-house here and in good order situated to the left of a canal called the Limparawa canal. (The tappal from
 11 miles from BALTOO-
 TOO Oya.
 76 miles from COLOMBO.
 Colombo reaches this at about 2 A.M. and that for Colombo leaves at 10 P.M.) The water at Madamcooly and from Pomparipoo again is bad. It is dirty and of a saltish taste. I think it also affects the bowels and brings on slight diarrhoea. I found it a good thing to carry soda water and lemonade with me.

We dined and slept here till 2 A.M., when we pushed on to Puttalam, which we reached at five
 8 miles from MADAM-
 COOLY. (March 1st.) The rest-house is a
 84 miles from COLOMBO. fine spacious building, but the better
 part of it is used as the private quarters of the officer
 superintending the roads, who has fenced in the ground,
 on which the bath, &c., stands. It sometimes happens
 that a rest-house to which travellers very seldom resort
 is allowed to be used by any person residing in the place,
 but this is always with the understanding that he should
 vacate it for travellers when required. This was not
 done on the occasion of my stay, and considering that
 the assistant agent and fiscal (who has official charge of
 the rest-house) was living next door, that he knew the
 supreme court officers were coming to Puttalam (he hav-
 ing attended the court at Chilaw as justice of the peace),
 I could not but look upon the act as wilful on the part
 of that officer. As it was myself, the registrar, and
 secretary, had to put up and remain the whole day in
 one end of the building, had to wait awhile and remon-
 strate before we could get the road officer's servants to
 allow us the use of the kitchen, and had to put up with
 other inconveniences.

I cannot understand why it is that the supreme court
 sessions are not held at Puttalam instead of Chilaw, as
 used to be the case formerly. As being the seat of an
 agency it is a more important place than Chilaw, there is
 a building here expressly erected for the holding of the
 sessions; there is a company of the military stationed
 here; and altogether the place presents greater conven-
 iences than Chilaw does. I had but one case to try at
 Chilaw, and that was brought from Tiltepalle, a place some
 15 miles beyond Puttalam, the parties and number of wit-
 nesses had all to come to Chilaw, the justice had to leave
 his station (he being agent as well), to cover all the ex-
 penses occasioned by which and the great inconvenience

would have been saved, had the assizes been held at Puttalam. The only expense that it would entail is a few pounds as travelling allowances to the deputy Queen's advocate. As for the judge and his staff it can cost nothing, but will be rather a convenience, for there will be a day or two's rest given to the poor coolies. Altogether there was more consideration shown to the suitors and witnesses formerly than is shewn now. In Sir Charles Marshall's time the court was held at Chilaw, Puttalam, Aripoo, Manaar and Jaffna. Puttalam, Aripoo and Manaar are quite omitted now, and the poor native is made to leave his house and his field for days and weeks together, if he be interested in a criminal case either as suitor or witness, and if he has a case in a middle station, say Aripoo, he will have to go 77 miles to Jaffna or 88 to Chilaw! I had a case to try at Jaffna of aggravated assault from a coast village, in which the parties had to come more than 50 miles! There is ample accommodation at Puttalam, at Aripoo, and at Manaar, (I mean in buildings for the court, judge, and officers) and I cannot understand therefore why such want of consideration should be shown to the poor suitors independent of the good to the district which the periodical holding of the assizes in it cannot fail to produce. (The tappal arrives here from Colombo at 5 A.M., and leaves for Colombo at 2 P. M.)

We left Puttalam at four, but as the next rest-house station was 22 miles away, we stayed for some three or four hours at Waunatavilla, about half-way, where we arrived at eight. We had to encamp in an open place in the midst of a thick jungle said by the natives to be the favorite resort of elephants as being the only place within many miles round where there is a little pool of fresh water. By kindling fires all round, however, and allowing the coolies to make the noise which they are sure to make when congregated in numbers, we made ourselves quite

safe. After dinner (we brought a cold fowl with us from Pomparipoo), which we had to take standing with the top of the palanquin as our table, we got into the palanquin for a nap until the coolies were able to move on, which they did about 12 P.M.

From Puttalam we lost all traces of a road, and to get to Pomparipoo we have to pass through dense jungles, the palanquin being literally forced along.

About six in the morning (2nd March) we had to pass Pomparipoo river. This river rises 16 miles from PUTTALAM. in the mountains of Matale, runs 63 „ from COLOMBO. north of Dambool, through the province of Nuwerakalawe, and, passing Pomparipoo, falls into the gulf of Calpentyne. It abounds with alligators. In ordinary times it is easily fordable, but when the river rises, one is detained for days together at the bank. This happened once, I am told, to Sir W. Carr. Four miles beyond the river is the rest-house, the best on the coast road and in a fine situation. This is the last station in the north-western province; it is a fine country, and its name (Pomparipoo) signifies 'the golden plains,' given, it is said, on account of its fine soil. The population is scanty, and very little cultivation is now carried on. This used to be a favorite resort for shooting. We were not long before we had some fine wild pork (killed the night before) brought for sale for a mere trifle, and we were told that there were lots of peacocks, deer, &c., to be had. (The tappal from Colombo leaves this at 6 A.M., and that from Colombo reaches it at 2 P.M.)

I may remark here, that if you give notice of your coming — (the judge's secretary should post letters from Chilaw to the different rest-house keepers, informing them when the judge will be at each place) — you will always get rice, paddy, poultry, eggs, milk, and, if you wish it, sheep, at very cheap rates. But this notice must be given, or one stands a chance of coming to a place where there is

not a grain of rice to be had. This happened to us at Illipecadde. The coolies, servants, &c., were positively getting mutinous, and I had to threaten to lay violent hands on some sheep (which the coolies thought were, of course, not equal to rice, but would do fairly enough in its absence) when the villagers got together and produced some new paddy which had to be ground into rice.

Time was when the government agent gave notice in the villages of the coming of the supreme court. The headmen were in readiness to receive the judge at the rest-house, and to supply him with rice, chools, &c., (all, of course, for payment), but this good old custom no longer exists. It might have been necessary to abolish the other 'useless forms, tom-toms, body-guard, &c., which attended a judge, but it is a pity that with them these useful, and, as it appears to me, indispensable, attentions were put an end to. It costs the agent nothing to give these notices, it costs the headmen nothing to pay these attentions, for whatever they supply they get liberally paid for—but it saves the judge and his party much inconvenience and annoyance to see their servants and coolies having to go about asking for one thing or another. Irrespective of all this, an entire withdrawal of all these attentions cannot fail to exercise a pernicious influence on the native mind: an agent, aye, the assistant agent, goes on his tour, and his visit is announced days before, and the headmen and principal inhabitants flock to receive him. It is only by the barest accident that any one knows of the approach of a judge. A native positively told me at Vangalle that the advent of (a native justice of the peace) was a much more important event in his district now-a-days than that of a judge of the supreme court, and he had seen the days when Sir Alexander Johnstone or even Sir Charles Marshall used to travel with torch-bearers all the way provided for

them, tom-tom beaters preceding them, and fresh relays of coolies at each station to help them on. It is a mistake to disregard appearances too much with an eastern population, particularly in the case of those who hold offices in which their usefulness depends much on the moral influence they exercise over others.

We left Pomparipoo, 2nd March, 4 P.M., and having passed the Modriegam river, which separates the north-western from the northern province, reached Marchakilly at about seven in the morning,

8 miles from POMPARIPOO.
123 „ from COLOMBO.
95 „ from JAFFNA.

(March 3.) The rest-house is in a tumble-down condition, and you find a notice put up signed by Mr. Byrne, in charge of the roads department, that it is unsafe to remain within it. The out-houses are all very bad. There are, however, some tamarind trees round the bungalow, under which you may take shelter, and the outer-verandah does not look so bad as the inner premises. We left Marchakilly about 3 P.M., and reached Kulaar (rock river) seven miles off about 5 P.M. The river was all but dry. On its bank stands an old Hindu temple now in ruins. Those who go to the pearl fishery stay here to make their offerings, and at one time a share of the pearls fished on the banks off Condatchy belonged to the priests of right.

The great part of the road from this to Condatchy, five miles off, is along the sea shore (sometimes in the sea up to knee deep) and over rocks, some so precipitous as to make us within the palanquin rather nervous. Care should always be taken to pass this place before night-fall. We reached Condatchy at 8 P.M. The gathering for the fishery had commenced, and the appearance of the place with its thousands of traders bustling about was not a little exciting. Either the Doric (fine large building erected by Frederick North, Lord Guildford, the first English Governor in Ceylon) or the military buildings,

fine tiled houses, are generally fitted up for the judge, but at this season they were both occupied, the former by the superintendent of the fishery and the latter by the troops, and a temporary rest-house was erected to which we repaired. The tappal uncertain. In fact, however excellent may be Mr. Dyke's arrangements in other respects, the tappal when once you enter the northern province, becomes uncertain, whereas until then the hour it comes and goes is pretty certain. This arises, I am told, from the tappal in the north being carried by contract. The contractors do not pay the men, and they work or not as they please.

Next day (4th March) we left Aripoo at 3 P.M., and

16 miles from MARCHA-
KILLY.

141 miles from COLOMBO
74 „ from JAFFNA.

reached Vangalle* (eight miles further) about 8 P.M. There is a Catholic chapel here with a French priest (Rev. Father Floraa) who kindly allowed us to stay in his bungalow for dinner. We sent the baggage on at three and left the place about 4 A.M.,

12 miles from ARIPOO.

162 „ from COLOMBO.

85 „ from JAFFNA.

and reached the village Mantotta at seven in the morning. The province is called Mantotta (Maa-tottam)

great garden, from its extensive cultivation, and it is within it that the giant's tank was constructed by the native rulers for purposes of irrigation. The tank is now out of repair and cultivation, and but very slightly attended to. There is an old Portuguese church built of stone in 1706. The walls of the main building are alone standing, and quite roofless. The two side verandahs, however, are covered in with cadjans and used as a rest-house, here too is a notice apprising passengers that it is not safe to enter into or use the place. After

9 miles from MANTOTTE
162 „ from COLOMBO.
56 „ from JAFFNA.

waiting a bit to get some coffee, we pushed on to Verteltivo, which we reached about ten. There is a Roman Catholic chapel (St. Santiago) here, in which the people

kindly allowed us to stay. The village is in the district of the Wanny, but subject to the agent at Manaar. I understand it is the only place in the road where gang robberies (which used to be very common formerly on this side) are still heard of, and the only case I heard of gang robbery, in which some five men entered a house in the day time, burnt a man and brutally tortured a woman by placing two sticks across her breast, and pressing them together at either end, was from this district.

We left the place about three and reached Illepekad-
 doo at six. Here the tobacco plan-
 5 miles from VERTILTIVO
 168 „ from COLOMBO. tations commence, and palmirah
 50 „ from JAFFNA. trees begin to be seen. I have
 already recorded the bother we had here to obtain rice. We had the same difficulty as respects chool bearers, without whom and a supply of chools the coolies will not leave the place, for the road is covered with thick jungles and very much infested with elephants. We left Illepecadde at 9 P.M.; the coolies kept all close together and made a terrible noise. We saw no elephants, but the chool bearers said they saw a herd of five, which was not unlikely, for in one place we observed that they increased the noise and suddenly stopped their journey. No fear is entertained, as the elephants are very timid and excepting there should happen to be a rogue elephant they never attack parties going as we did.

About 12 we reached Pallaar (six miles from Illepe-
 cadde), and the coolies lay down to
 14 miles from ILLEPE-
 183 „ from COLOMBO. rest awhile. An old salt store (now
 85 „ from JAFFNA. used as a tappal station) stands on a
 plain here. We pushed on after-
 wards and reached Polweroyankadoo on the morning of the 6th. There is a fair rest-house here, and we did not leave the place till 7 P.M.

It was after leaving Polweroyankadoo we came across two streams where the coolies had to lift the palanquins

on their shoulders. One feels rather nervous to be inside a palanquin so carried, but the coolies are quite firm, and laugh at your fears.

We reached Pooneryn at five on the morning of the 9th. The rest-house is situated in
 16 miles from POLWE-
 ORYANKADOO. a small fort built by the Dutch, and
 201 „ from COLOMBO. is in a very bad condition. Here
 17 „ from JAFFNA. too is one of Mr. Byrne's notices.

We were obliged to stay here till 10 A.M., when the wind was expected to change and enable the boats to start for Jaffna. This is a very interesting place, paddy cultivations very extensively carried on, and the people seemingly very happy and contented. Palmyrah topes with neat cottages in the midst of them meet our view in all sides.* These palmyrahs look pretty from a distance, but very ugly as you approach near to them. Sir William Carr described them as bottle brushes, Mrs. Edgar Layard as turned-up-mops, and others again apply the poetic figure of an 'arrow shot from the sky,' which was however, first said, and with greater truth, of the areca-nut tree.

We left the place about ten, and after being carried for about a mile had to enter the boats and set sail for Jaffna. The wind was not unfavourable, so after five hours' tedious sailing we reached Colombo-torre at four, whence we were carried again three miles further to the town of Jaffna.

At Jaffna there were nine cases in the calendar. In two, the prisoners pleaded guilty, the other seven took a day each, so the court which was opened on the 9th, did not close till the 16th. The best and most intelligent jury in Jaffna are on the Tamil list. The English jury, as it is so called, is composed of the young Malabar men educated at Batticotta seminary; they are men of no property, and have therefore little or no stake in the country, they derive their subsistence chiefly by drawing pleadings

and petitions, which bring them in contact with the litigants, often the prisoners, with whom they not unfrequently make common cause. The burgher young men, whose names also appear in the English jury, are, many of them, but sorry specimens of their class. I had the English jury called but once, and though the evidence was clear to demonstration, and the proctor for prisoners did not address the court on behalf of his client, he was, to the surprise of all, acquitted.

I ought to add that in Jaffna the judge must act as counsel for the prisoners. Mr. —, who generally appears for them, is a very good-natured man in his way, but quite innocent of the rules of law or evidence. He has a stereotyped form of questioning the witnesses and addressing the jury which every judge, since the days of Sir Charles Marshall, must have seen him make deliverance of. He is most useful, however, in getting out all the quarrels and law suits which the prosecutor and witnesses have had against the prisoner, in respect of which the depositions give the judge no information.

Mr. — is a most careful and painstaking crown law officer. His anxiety to draw out all information and call every witness, instead of previously separating the wheat from the chaff, and presenting the former only, makes the proceedings very tedious, and precludes the possibility of your getting over more than one case a day. He is rather fond also of putting and pressing improper questions, as to hearsay, &c., which obliges the judge to be always on the watch (for the proctor for prisoners never objects to them) lest improper evidence go to the jury and an impression be unfairly raised against the prisoner.

One part of the work which I found difficult to perform satisfactorily is the examination of record books. By the rules and orders for police courts and courts of requests (Sec. 1 of Rules of 17th June 1844, page 136, and Sec. 1 of Rules of 21st October 1844, page 144) the record

books of the police courts and courts of requests are to be produced and submitted to the judge of the supreme court on the first day of each sessions. The object of this rule was to enable the judge to examine the books and see that everything was in order, and, if need be, to report to the executive any serious instance of violation of the rules or law which the books may disclose, and this was carefully done at the commencement of the working of the system. But their proper examination takes up much time. At Chilaw, for instance, you have books from two districts (Calpentyn and Chilaw) to examine. At Jaffna, books (two from each place) from Jaffna, Manaar, Chavagacherry, Point Pedro, Kaits, and you ought to have—but these were not sent owing, I suppose, to the distance—some from Mulletivoo, Trincomalie, Anaradhapura, and Batticaloa. Each of these books embraces the proceedings for a term of six months (since the last judge was on circuit) and it is impossible during the sessions to examine them with anything like proper care. I had to return several without any examination at all.

It appears to me that these rules should be abrogated and a full appeal from law and fact given from decisions of police courts as is now possessed in respect of the courts of requests. Any examination of the books merely, however searching, must fail in its object of fully discovering the mistakes and abuses that prevail in the lower courts. Rather than that the judges should attempt what they cannot properly perform, or what must prove ineffectual, however carefully performed, it were better to leave to the suitors, to whom the work legitimately belongs, the work of exposing evils, care only being taken that no technical difficulty arising from a limitation of the right of appeal, as is now the case in respect of police courts.

The places in Jaffna worth visiting are the boarding school for females at Uduvilli under the American mission-

aries, and the Batticotta and Manipay establishments, also under them. The schools under Mr. Walton in the town, and the two heathen temples Candasamy and Seeva. The towns of Point Pedro, Vertellivoe and Chavagacherry, are well worth visiting.

Gave a dinner on Friday, March 13. Company, Mr. Prime, Captain Rutherford, Messrs. Murray, Morphey, Birch, Purcell, Wodehouse, Morris, Gillman, Mutukistna, Gordon, Rev. Mr. Walton, Dr. Sortain, and myself.

Visited Manipay and Batticotta mission stations. I examined boys schools, 120 fine fellows.

Went to Pedro March 17th, breakfasted with Mr. Kilner and his wife; went round to Oodamuly and the mission establishment of Mr. Lord. Returned at 4 p.m.

From Jaffna the justice proceeded to Batticaloa where, he says, 'We had a bloody session, bad murders. One in particular, where a man had killed his wife, her mother, and a child. If we must hang, and I am not at all satisfied that we ought, this is just the kind of case I should like to begin passing sentence upon. Consequently, for all my previous scruples, I put on the black cap without compunction and passed sentence of death. In accordance with my recommendation, thinking the effect would be greater, the murderer was executed at Batticaloa.'

The return to Colombo was accomplished in a country vessel, and for some months the ordinary routine of an appellate court absorbed all time and attention, police court finals, and district court interlocutories vexing the souls and worrying the brains of the judges.

When the summer assizes came round, Mr. Justice Morgan took the southern circuit, whither he drove in his own carriage, taking his wife and family with him, accomplishing the journey from Colombo to Galle in three days. The year passed quietly, little occasion of interest

or concern occurring in the island,—indeed all insular interests were absorbed in the attention concentrated upon the struggle in India, to which English troops (from Colombo) were sent, and in aid of the sufferers by the mutiny a large subscription was raised.

In November, Mr. Selby, the Queen's advocate, was taken very ill, and it was necessary he should proceed to England. Mr. Justice Morgan received a very complimentary letter from Sir Henry Ward, the Governor, asking him to leave the bench and become acting Queen's advocate. In that letter Sir Henry wrote:—'Your high standing at the bar, your experience in the Legislative Council, and the capacity that you have evinced as a judge while acting as a member of the supreme court during Mr. Sterling's absence, afford the best security that I shall find in you the qualities that are required for the executive council, while your intimate acquaintance with the character and habits of the native population will give additional value to your views upon all matters connected with their interests. I have much pleasure therefore in making this proposal to you.' Justice Morgan consented.

The move to an acting appointment, professionally, was a downward one, but it had attractions for the puisne justice of various kinds. He highly appreciated the dignity of the bench, but the dulness of the duties worried him not a little; he hungered for the fray at the bar and busy political action. When to these was added a pecuniary reason—the Queen's advocate being permitted private practice,—and the desire for a visit to England to place his eldest son and two daughters at school being determined upon, Mr. Justice Morgan determined to lay dignity aside for more substantial advantages. On the 17th of November the Queen's advocate was sworn in a member of the executive council under a salute of eleven guns.

The post, however, was not permanent. Mr. Morgan only acted for a time, until, in fact, the place could be filled from England, the opinion then being very strongly in favour of closing as many avenues as possible to deserving Ceylonese, and conferring positions demanding, above all things, local knowledge, upon strangers, generally upon men so old in years that they were incapable of adapting themselves to the new circumstances in which they were placed. A true and veracious account of the mischief which has been caused in the colony of Ceylon alone by such proceedings, if carefully collated and all told, would form a sufficient indictment to secure the utter condemnation of the policy pursued by the Colonial Office. Mr. Byerly Thomson, a barrister, was appointed Queen's advocate, and Mr. Morgan made preparations for his long contemplated visit to England. Very strenuous attempts had been made by Mr. Morgan's friends in England to secure for him the permanent post of Queen's advocate. The directors of the Oriental Bank Corporation and Mr. E. J. Darley, both addressed the Secretary of State for the colonies, Earl Derby (then Lord Stanley), pressing Mr. Morgan's paramount claims for the post: An official *Non possumus*, however, was the result, the refusal being couched in the usual official language that the interests of the state demanded that an English barrister should be appointed to the post, and that this had been done.

It is a pity that nowhere amongst Sir Richard Morgan's papers can be found a record of his matured impressions of England as the heart and head of a great empire. Only those who having once resided in Great Britain, and have lived in the colonies of the widespread British dominions, can form any conception of the exaggerated feelings which are held by colonists regarding England. The educational and cementing value of those feelings cannot be too highly estimated. Distance lends enchant-

ment, the unknown exercises a great influence, with the result that a kind of worship is induced which only finds complement in a visit being paid to the shrine to which much devotion has been paid. After the visit no Haji from Mecca is more satisfied with himself and proud of his achievement than is the family of British subjects who have visited England and returned. The precise educational value of this sentiment is not easy to estimate, but it has a good deal to do with the cohesion of the particles which make up the empire of Great Britain. What at first sight may seem most curious is that people whose 'forbears' have been Dutch and oriental come to speak of England as 'home,' and regard the hive whence so many busy Britains have swarmed as their ancestral abode and claim to share in the glories which attach to England.¹ This is as it should be in an empire of diverse races and widely-separated countries, if the empire is meant to endure. In Mr. Morgan's case the existence of this feeling should not be a matter of surprise. His grandfather was a Briton, he had himself once visited the country, his best friends had been Englishmen, he had mixed much with them, had engaged in political combat side by side with them, and had sometimes led them to victory. Certain it is that this visit was looked forward to as the chief event of Morgan's social life, not only by himself, but also by his friends, in whose esteem he was magnified by the journey he had decided upon. This feeling of respect towards the (then) late acting Queen's advocate found full expression in tokens of esteem. He

(1) In a letter dated Colombo, August, 1878, received whilst these pages were going through the press, a Eurasian gentlemen of Dutch descent, writes to me :—"We burghers, Dutch descendants though we are, most of us, are Britishers every bit. Who thinks of Faderland? All our aspirations, all our hopes, all of our sympathies are "British." Holland is a dim picture. The generation who, to some extent, thought and spoke of Holland, has died off. *Vivat Regina!* I don't think I would have stepped out of my verandah to see the King of Holland if he visited Ceylon; but I would have run ten miles to see the Prince of Wales. In this respect I am an Englishman, although, like St. Paul, *een Burgher geboren*. You will remember my proving from the Dutch Bible that St. Paul was a burgher!"

occupied a large space in the eye of the public, and was to be honoured accordingly. He says, 'For weeks prior to our departure we were dining out every day—at Sir Charles MacCarthy's, with Mr. Alwis, (who gave a ball afterwards) and elsewhere.' One interesting event occurred on the way to Galle to embark on the P. & O. Steamer for Europe. When passing through the village of Moratuwa, the home and property of a wealthy Singhalese gentleman, Mudaliyar Susew de Soysa, the carriage was stopped, and, as an expression of esteem, a purse containing one hundred sovereigns was handed to Mr. Morgan by his admiring friend. The voyage across the Indian ocean, up the Red Sea, *viâ* the desert and Cairo through the Mediterranean has been too often described to admit of the notes that were made by Mr. Morgan being printed. Twenty years ago, however, it was not so, and the memoranda made then, which still exist, would prove of considerable interest to Morgan's personal friends and connections who have not made the journey.

This visit to England is thus summarised :—'Spent our time in England in sight-seeing in London, visiting the chief provincial towns and Wales, conferring with Sir Richard Bethell and Mr. Erskine (of the privy council) on the Rajawella case, drawing up appellants' case, going out to dinners, parties, theatres, operas, ballets, concerts, &c., &c., all the time worried by the dread shadow of that approaching parting with our dear children which every day that passed brought nearer.'

The interval, as has been stated, was partly occupied by business and partly by pleasure, and possibly, a better idea could not be given of the manner in which the time was spent than by quoting a few of the letters which Morgan received whilst in England. It must be remembered, however, that his object in visiting Great Britain was three-fold, viz. ; (1), to place his children at school ; (2), to qualify for the *status* of an English barrister ; and

(3), as counsel for the Rajawella case, then before the Privy Council. The two last-named objects brought him into contact with a great many legal gentlemen of the highest position and character. Amongst others, of whom records exist that he was on more or less friendly terms, were:—Lord St. Leonards, Sir Fitzroy Kelly, Sir J. Stuart, Sir Edw. Ryan, Sir W. Page Wood (Lord Hatherley), the Right Hon'ble Spencer Walpole, R. Malins, M.P., Sir Hugh Cairns, (Lord Cairns) Lord Justice Bruce, Lord Campbell, Sir James Stephen, and the Right Hon. Russell Gurney. He also breakfasted on one occasion with Sir Benjamin and Lady Howes,—most surprising event of his visit, for Sir Benjamin (then Mr. Howes) was the Under Secretary of State who strongly resisted the enquiry into Ceylon affairs which Mr. Morgan, through Mr. McChristie, secured.

To turn, however, to the chief business object of the visit, viz., the application to the benchers of Lincoln's Inn that a dispensation from the usual routine might be granted to the Ceylonese advocate and judge. Considerable interest was excited by the lawyers mentioned above to procure the dispensation, and the effort was aided by letters from the Governor and the Executive Council of Ceylon, also from Sir W. Carpenter Rowe, chief justice, and others. The sequel and the success will be found in the following documents:—

TO THE HONORABLE SOCIETY OF BENCHERS IN LINCOLN'S INN.

The Memorial of RICHARD FRANCIS MORGAN.

SHEWETH,—That your memorialist is a native of the island of Ceylon, and after having gone through a course of education such as the colony afforded, visited England in 1840, with the view of completing his general education, and, by serving his time in one of the Inns of court, qualifying himself to be called to the English bar. Owing, however, to the sudden illness of his brother, upon whom your memorialist depended for his expenses, he was obliged to return to Ceylon within six months of his arrival in England.

2. That on your memorialist's return to Ceylon, he was, on the 31st December 1840, admitted a proctor of the supreme court of the island and of its district courts, he having before then served his apprenticeship, and, as the

See appendix A.

Rules and orders of 5th rules of court then in force required, undergone March 1838. examination presented by the rules of court.

8. That your memorialist practised as a proctor (an office analogous to that of attornies and solicitors in England, with the privilege, however, of pleading in the courts of the island in all cases without the intervention of an advocate, for there was then no division of the bar in Ceylon) until the 31st day of January 1846, when he was admitted and enrolled an advocate of the supreme court, he having passed for that purpose

Rules and orders of 30th the further examination which the rules and December 1841. orders of the court prescribe for the admission of advocates. On the 9th February of the same year, your memorialist was also admitted and enrolled as an advocate of the vice-admiralty court.

4. That on the occasion of the promotion of Mr. Justice Temple from the district court to the bench of the supreme court in 1856, the then Right hon'ble the Secretary of State for the colonies decided that none but a professional lawyer should be appointed district judge of Colombo (the practice in Ceylon having been before then to appoint to judicial places men from the civil service, who had never studied the law and practised it) and required the Governor of Ceylon to appoint a professional lawyer, if any such qualified for the office could be found in Ceylon, or if not, to report the same to the Secretary of State who promised, in such case, to send out a man from the English bar. That Sir Henry Ward then, after conferring with the hon'ble the judges of the supreme court, nominated your memorialist to the post, and he was accordingly appointed to it in 1856 by the warrant under the royal sign manual of Her Most Gracious Majesty Queen Victoria.

5. That your memorialist assumed the duties of district judge of Colombo on the 16th October 1856, and held it till the 24th December of the same year, when he was appointed to act as puisne justice of the supreme court of the island in the room of Mr. Justice Sterling, who left Ceylon on temporary leave of absence.

6. That whilst your petitioner was occupying a seat in the supreme court, the hon'ble W. C. Selby, Esq., the Queen's advocate of Ceylon, was obliged to leave Ceylon on account of ill-health, and your memorialist was requested by the Governor to vacate his seat on the bench in order to assume the duties of Queen's advocate, (analogous to that of attorney-general here with the additional duties of public prosecutor, there being no grand jury in Ceylon,) which he did on the 19th November 1857. That Her Majesty having been pleased to appoint Mr. Henry Byerly Thomson of the English bar to the office, on the death of Mr. Selby, your memorialist was relieved from the duties of it on the arrival of that gentleman in Ceylon in July last.

7. That the Ceylon charter of justice does not in terms require that the district judges or even the supreme court judges should be of the English bar, yet it is felt most desirable that they should become members of it. Your memorialist has always been anxious to be admitted a member of it on account of the respectability and distinction which attends it: he wishes also, filling as he does, a high and influential office to do whatever lies in his power to encourage the young men of Ceylon to qualify themselves as English barristers. There is another reason which renders him anxious to secure a call to

which he cannot refrain from making allusion. Your honourable society in January 1857 called to the English bar, by granting a dispensation of the usual terms, the very gentleman who, as a member of the Ceylon civil service, held provisionally the appointment which has been permanently conferred upon your memorialist, although his claim was founded upon his having been merely a member of the civil service, and not qualified by having been a practitioner of the Ceylon bar or educated for the legal profession. Your memorialist, feeling as he naturally does, that the distinction is one to which he also may legitimately aspire as a person who has been trained in, and has practised, in the profession for a series of years, and has afterwards by the common consent of the profession, the public and the Government (as the papers in the appendix will abundantly testify) been appointed to high judicial places, he is most anxious that your honourable society should confer upon him that distinction.

8. That your memorialist applied for leave of absence to visit England with the view of qualifying himself to be called to the English bar, but, though the Government and the hon'ble the judges of the supreme court were anxious that he should obtain that distinction, the Governor could only give him nine months' leave, and even that is subject to the condition that your memorialist should, if necessary, return to Ceylon earlier upon notice given, as Mr. Temple, the second puisne justice of the supreme court, is anxious to visit England, after an absence of eighteen years, and only awaits your memorialist's return to Ceylon to fill his place to enable him (Mr. Temple) to leave the island.

That your memorialist was entered as a member of Lincoln's Inn on the 28th January 1858, and is now keeping his terms, and has paid for, and intends to attend the lectures, constitutional law and legal history, equity, jurisprudence and civil law and common law.

Your memorialist respectfully prays your honourable society in consideration of the premises to grant him a dispensation of terms, so as to enable him to be called at the first call of bar made by your hon'ble society.

The Colonial Office—at the head of which was the first Lord Lytton—also exerted itself in the manner which will appear from documents cited as follows:—

DOWNING STREET, 6th November.

THE TREASURER AND BENCHERS OF LINCOLN'S INN.

GENTLEMEN,—Secretary Sir Edward Lytton desires me to forward to you copies of two despatches from the Governor of Ceylon, in which the object for which Mr. Morgan, the District Judge of Colombo, has repaired to England, is fully explained. Sir Edward Lytton desires me to state that the reports which have reached this office as to the character and fitness of Mr. Morgan for the honor of being called to the English bar, relieve him from all hesitation as to the support he should give to Mr. Morgan's application, and I am accordingly to inform you that if it is possible for your

benchers to meet Mr. Morgan's wishes, Sir E. Lytton will derive much satisfaction on receiving an intimation to that effect.

I am, &c.,

T. FRED. ELLIOTT.

No. 42, *Civil*.

QUEEN'S HOUSE, COLOMBO,

13th August 1858.

SIR,—I have the honor to enclose copy of a letter from Mr. Morgan, D. J. of Colombo, applying for leave of absence for nine months to proceed to England on urgent private affairs.

Mr. Morgan has explained to me that the object of his intended visit is, that he may take the necessary steps to be called to the English bar, as well as make arrangements for the education of his children in England. Although Mr. Morgan's term of service under this Government is short, he was, as stated in his letter, employed as an unofficial member of the Legislative Council for a period of five years before his appointment to the public service. He has also been very useful in the important posts which he held recently as a judge of the supreme court and as acting Queen's advocate, and as, moreover, a compliance with his application at the present moment, will not be attended with any inconvenience to the public service, the arrival of Mr. Thomson from England having relieved him from the latter office, I have, with the concurrence of the ex.-council, granted him the leave solicited.

I enclose the usual certificate containing the particulars required in the regulations for the grant of leave of absence to public officers.

Mr. Morgan's duties as District Judge of Colombo will continue to be performed by Mr. Lawson under the arrangement reported in my Despatch, No. 239 of the 26th December last, and it is due to that gentleman to add that the manner in which the business of the court has been conducted during the last nine months has given general satisfaction.

I have, &c.,

H. G. WARD.

Sir E. B. Lytton, Bart.

No. 46, *Miscellaneous*.

14th August 1858.

SIR,—I have been requested by Mr. Morgan, long a leading member of the bar in this colony, and now District Judge of the court at Colombo, who is visiting Europe on leave, under the circumstances stated in my Despatch, No. 42, to solicit your kind intervention in his behalf at the Inns of court, in order to facilitate his being called to the English bar, during his short stay in England. Mr. Morgan is informed that dispensations are frequently granted by the benchers upon such recommendation. And as he has already held one of the highest judicial offices in this colony, having acted twelve months as a member of the supreme court during the absence of Mr. Sterling, I venture to solicit your favourable consideration of his request, which, I know, would be viewed here with much satisfaction.

I have, &c.,

H. G. WARD.

Sir E. B. Lytton, Bart.

The following remarks were endorsed on the petition :—

‘On reading the memorial of Mr. R. F. Morgan and the accompanying papers it was decided that a dispensation in terms be granted, and that he is at liberty to be proposed at the court to be held this day for proposing further which called at the bar,’ and on the date in question, Mr. Morgan’s call was moved by Lord Justice Knight Bruce.

Favoured with so much influence and interest, as has been stated, the dispensation was granted, and, on the 16th November 1858, Richard Morgan became a member of the bar of Lincoln’s Inn. Congratulations poured upon him from all sides, one of which—from Sir Richard Garth, chief justice of Bengal at the time this biography is being prepared,—may be given :—

TEMPLE, 16th November 1858.

MY DEAR SIR,—I most sincerely rejoice with you in having effected your object. I saw several of the benchers upon the subject, and they all assured me that, under the circumstances, you were sure to obtain your dispensation. Had there been any doubt about it, my good father-in-law, Mr. —, would have come up from the sea-side for the purpose of rendering you his aid.

I presume you will now lose no time in making your arrangements for returning to Ceylon.

Please remember me most sincerely to our good friend —, and

Believe me always,

Yours faithfully,

(Signed) RICHARD GARTH.

R. F. Morgan, Esq.

Through some oversight the oath of allegiance was not taken by Mr. Morgan, and this omission was discovered only on the eve of his departure from England. Sir H. T. Erskine was applied to, and this letter was the result :

LINCOLN’S INN, 20th April 1859.

MY DEAR SIR,—The statute 1, G. 1, stat. 2, c. 13, requires all barristers to take the oaths of allegiance within three months after practising in any court in England.

There is a legion of subsequent acts, and I cannot venture to say how far the provisions of the acts extend to the colonies.

I do not think that the omission to take the oaths could affect your status as English barrister, and practically the Annual Indemnity Act removes all consequences of an omission ; but as you have taken this step in order to carry with you to Ceylon the advantages of the status, I should, in your place, complete it by taking the oaths, which may be done any morning in

the bail court where, however, according to my recollection, it is necessary to produce some document which you receive from Lincoln's Inn.

I hope if you come down hereabout, I shall have the pleasure of seeing you.

Yours faithfully,

(Signed) H. T. ERSKINE.

R. F. Morgan, Esq.

P.S.—Our courts sit on Thursday 21st April, and until Wednesday the 27th.

It does not appear that the oath was ever taken.

In the meanwhile the Rajawella case was occupying a great deal of Mr. Morgan's attention, and he was frequently in consultation with the eminent counsel engaged. For his services in this case he had received, prior to leaving Ceylon, a fee of £1,000 from the Oriental Bank Corporation, the largest amount ever paid as a fee to a member of the island bar. The proverbial 'law's delays' hindered the case coming before the Privy Council from time to time, till at length the expiry of Mr. Morgan's leave drew near. The agent of the Oriental Bank at Colombo brought the utmost pressure to bear upon the local government to grant Mr. Morgan an extension of leave, but this was impossible, as Mr. Justice Temple was proceeding home, and if Mr. Morgan did not return, his claims for promotion, he was told, would be overlooked. Each mail from Ceylon brought him shoals of letters from friends beseeching him to let the Rajawella case alone and return. The anxiety of the people of Ceylon is to be explained by the fact that Mr. Morgan was the incarnation of local claims receiving recognition, and it was highly desirable no single chance of maintaining the foothold gained should be lost. The newly-created barrister was naturally anxious to take part in so notable a case as that of Rajawella, especially in a court so notable and before judges so distinguished as those who presided over the Privy Council. He was even ready to swallow a good deal of pride in his anxiety to do justice to his clients, for it was discovered that he would only be

allowed to appear as a junior: he was not to be permitted to argue the case in Westminster as he had been in Kandy. A further postponement of the trial occurred; this decided the question, and a passage was taken in the P. and O. steamer leaving Marseilles early in April 1859.

One episode of the English visit ought not to be passed over. Allusion has been made to the strange combination of circumstances and altered relations which permitted of Mr. Morgan breakfasting with Sir Benjamin Howes, who was under colonial secretary in 1849, and who opposed the enquiry into the affairs of Ceylon. More interesting still is it to find that with Sir Emerson Tennent, then president of the Board of Trade, Mr. Morgan became on the most cordial terms of intimacy. Ten years he had gravely discussed the impeachment of Sir Emerson. Many meetings took place, and frequent letters passed between them. From the sheaf of letters preserved, a cluster, not private but of public interest to Ceylonese of all races, is appended. Tennent's 'Ceylon' is a classical work, beyond comparison it stands among the myriad works which have been published regarding that island as Saul stood among his brethren, head and shoulders over them all. The passages now to be given will show the pains Sir Emerson took to be accurate in all his statements, and may serve to open the eyes of those who know nothing of authorship from practical experience of the enormous labour undergone by an author who 'verifies quotations' and tests alleged facts. The communications seem to have been received in the order in which they are placed.

I.

Travellers in the East make constant complaints of those who sell in the bazaars that they cheat, because they accept less than one-half what they originally name as the price of any article.

Now in Turkey, and elsewhere, it was explained to me, that this arose from the difference in custom between the people of the East and West. In the West and in Europe it is the practice of the *seller* to name the price, but in

the East it is the custom for the *buyer* to make an offer, and for him to name the price, so that when an European or an Eastern bazaar man asks what is the price of any article, he violates the usual custom, and puts on the seller the unaccustomed duty of naming one. Hence came the proverb of *caveat emptor* : let every man be a judge of what he wants, both as to quality and cost.

Now I have been told that in the bazaars in Ceylon the same practice prevails, and that a native when he sees the article he wants, offers a *price* for it, but does not begin by asking what price the seller puts upon it. Can you tell me if this be the practice in Ceylon as it is elsewhere in the East and in India?

II.

Are there any unbridged rivers, now to be crossed in boats, between Galle and Colombo? In 1845 when I landed there were

The Gindura, .
Bentotte,
Caltura, and .
Pantura.

III.

I return the *Observer* with thanks. Can you tell me how the word ambo (= mango) is spelled? Is it ambo—or amba?

IV.

What is the precise meaning of each of the three words? Pedura-talla-galla.

V.

Would you tell me the meaning of the two words—*bodde* and *pittiya*, which are the terminations of the names of so many places in Ceylon? Hel-bodde—Ram-bodde—Amban-pittiya—Navala-pittiya.

VI.

I have always heard that the names of Pusilawa meant the '*valley of flowers*.' Is this so, and

1.—What are the precise words in Singhalese?

2.—Another derivation is from the great Clombay bean, the puswael—pus-wael-awa. But what does 'awa' mean?

VII.

Can you throw any light on the origin and derivation of the word *curry*?

It is said, but erroneously, to be Portuguese—*carré*, but the Portuguese have no such word.

Curry was in use in Ceylon a thousand years before the Portuguese came to India.

It is said again to be from the Malabar word *cathay*, or the Hindoo que-moo. What say you?

VIII.

1.—Will you tell me what is the proper Singhalese name for the rice-cakes which the Europeans call *hoppers*? I remember seeing it spelled '*appa*.'

2.—Am I right now that Pedro-talla-galla is from '*galla*,' the rock where grew the *talla* or '*leaves of the palm trees*' used for weaving into *pedura mats*.

The following passage occurs in De Couto's *History of the Portuguese in Asia*, (Decada v, liv vi, c. ii, vol. ii, part 2, p. 17.) Speaking of the sacred

IX.

footstep on Adam's Peak, he says his opinion is, that it is the footstep of St. Thomas 'nos parece que podera serdo Bemaventurado Apostolo S. Thomé'—and one reason he assigns is, that a similar impression, only made by the knees and not by the foot of St. Thomas, was then existing in a stone quarry at Colombo, 'e assim mesmo humas nodosas de joelhas, que estam impressas a diá de hoje em huma pedra grande que edá na parte da pedreira de Colombo.'

Query.—Where was the stone, and does it still exist?

X.

On the rocks at the Galle-buck, between Queen's house and the sea, there are the remains of a santón's tomb, which is held in great veneration by the Moors of Colombo.

Query.—1, What was the name of this Mahomedan saint?

2, What was his story?

3, What the date of his death?

About forty years ago there was an engraved stone, which bore an inscription in Arabic characters, and recorded the death of an Arabian saint who died in the year 948 A.D. In 1815, it was serving as a door step to one of the houses in the Pettah: see *Transactions* of the Royal Asiat. Soc., vol. 1, p. 540.

4, Is anything known of the stone now; or of the saint, whose name it bore?

5, or what building it came from?

XI.

May I bore you with a little more Singhalese philology?

i.—The Galle-buck. This I have discovered in the Galle-baak or Galle-baaken—the beacon or light which the Dutch placed on those rocks.

ii.—But what does the Galle face come from? Is face any corruption of Singhalese?

iii.—What does Colpitty take its name from? Is it Col-pittiya, the leafy village?

The note I sent you the other morning about *ambo*, is with reference to the name of Colombo; which it has been the fashion to derive from *Col-ambo*, the leaf of the mango. But this is not so. The town was originally a village at the banks of the Kalany, and being at the ferry over that river was then called *Kalan-totte*. This the Moors corrupted into *Kalambu* and *Culumbu*, and the Portuguese, in honour of Columbus, wrote it *Colombo*. As to the leaf of the mango tree, it has no resemblance to a leaf and the mango tree (since imported from India) was then little known in Ceylon.

XII.

Can you tell me the title of the ordinance passed by Sir Henry G. Ward, for

1, reviving the customs connected with the maintenance of works for irrigation?

2, and the date at which it was passed?

3, and can you let me have the names of any places at which tanks have been repaired under it?

Mr. Morgan was not himself able to answer all these questions, and some he referred to friends at home. Mr. Lorenz wrote thus regarding one question :—‘ I have not been able to get any information whatever on the points you sent from Sir E. Tennent. Casie Chitty has put me on the scent respecting the St. Thomas’ stone, but I have not had time to follow it up. We expect a vacation in April for twenty days, and I shall then devote myself to a little “antiquities,” and write to Sir E. Tennent himself if I shall have succeeded in getting anything worth sending him. I asked old Herr of the kachcheri some days ago whether he had heard of the stone with the Arabic inscription, and he said, “There was no RECORD of it,” I find on reference to a note-book of mine, that I have a copy of the inscription which was sent by Sir A. Johnstone to Professor Wilson, and by him reduced into modern Arabic and deciphered. And I see it noted (but whence the thing suggested itself to me I know not) that the stone formed the “threshold or stepping-stone to the verandah of a Dissawe—qu ? Dissawc Beling.” This note was made some fifteen years ago when I was a boy, and I forget all about it. I shall, however, hunt up the houses of all the Dissawes, and endeavour to get at it.’

During his absence from Ceylon Mr. Morgan was kept well informed by his numerous friends of what was transpiring in the legal and political world in which he was a leading actor. Mr. (afterwards Sir) Charles McCarthy was a frequent correspondent, and one of his letters, dated 29th September 1858, gives a most interesting glimpse of the affairs then occupying attention. He wrote :—

‘ I have since heard with lively satisfaction the success of your main object in visiting England, by your rapid and flattering call to the bar. I presume your return to Ceylon will now not be delayed beyond the time you originally proposed, especially as Mr. Temple has applied for leave of absence. I hope of our meeting before your return. As you will probably have heard, I have

determined to delay no longer my long-projected trip to Europe, and have obtained from the Governor fifteen months' leave from the beginning of March next. I have engaged cabins in the steamer which touches at Galle about the 2nd or 3rd of that month, and we hope to be at Southampton in the first week of April. I look forward with some pleasure, as you may imagine, to seeing all my friends again, and 'taking a life bath in England' (as Montalembert has it) after an absence of nearly eleven years. My last arrival in Europe, in February 1848, was coincident with the downfall of Louis Philippe. It will be a curious, but not altogether unexpected chance, if I now come in for the upset of Louis Napoleon. I cannot think that in a country like France he will be much longer permitted to play such 'fantastic tricks before high heaven.'

Your account of Ceylon men and things in England is most curious and interesting. I can quite understand the rise and prevalence of opinions such as you describe about expenditure, &c. We certainly are going rather fast, and shall have to pull up, I think, before long. But it is not, as you justly remark, the money spent on irrigation works that is to be grudged, or that is likely to be excessive in amount. The alarming thing to me is the quantity of money thrown away on roads, on which there is not, and never will be, any remunerative traffic and the general tendency in all public departments, not sufficiently checked, to look on mere expenditure as a *bonum per se* without reference to its results—to think it, in short, a virtuous thing to spend money for the mere sake of spending it.

With regard to the railway, I find a good deal of alarm abroad here of the kind indicated in the enclosed letter which I cut out of the *Ceylon Times* of yesterday. I don't know who 'Colonist' is, though the editor, as you will see, speaks of it as a well-known signature.

I hear the directors in England are greatly offended (and no wonder) at the enormous expense of the inauguration dinner which will not fall far short of, if it does not exceed, two thousand pounds! I pleaded in vain against it at the time, for it seemed to me that the same end might be attained by a much cheaper *demonstration*.

With all this, our financial prospects are good. My estimate for revenue for the ensuing year is no less than £640,000, and, as you know, I always take care to be on the safe side in estimating. I have little doubt that the actual results will give over £650,000. If, instead of letting our miscellaneous expenditure go on increasing in proportion to revenue, we had been content sternly to keep it down for a few years longer to the average amount of the first few years of this decade, *i.e.*, to about £400,000, we might have constructed the railway out of current revenue without incurring a farthing of debt. As it is, we shall still do well enough with common care and prudence, which, however, are somewhat uncommon qualities everywhere.

I dare say the columns of the *Observer* will have enlightened you as to a very unfair and uncandid attack made by the bishop of Colombo on the school commission, over which I have the honour to preside, an attack which I was obliged to rebut somewhat vigorously. I don't think his lordship will take up the gauntlets again in a hurry.

Our friend Darley has come back. Much as I always liked him, and greatly as I appreciated his sterling intellect and character, I find him much

improved by his residence in Europe. It is quite refreshing to come in contact with so much vigour and honesty in this somewhat relaxed intellectual atmosphere. The Governor has just offered him a seat in the Legislative Council, but, I believe, he has decided on *not* accepting it, a step which I regret, though I quite appreciate his motives for it.

Considering that the prosperity of Ceylon has risen to a great and unexampled height by the adoption of the policy Sir Charles MacCarthy condemns, his vaticinations acquire additional interest.

Mr. Morgan's most genial correspondent from Ceylon, however, was Mr. Lorenz. In a letter written from the district court, Colombo, on the 15th of December 1858, Mr. Lorenz said:—

'I was anxious to write to you by this mail, but the debates in council and a heavy ship case in court completely overwhelmed me: and it is just by good luck I have discovered that there is to be an after-mail at three to-day, and so, here goes.

'You'll read fully in the papers the result of the Queen's advocate's two bills—the Cooly Immigration and Kandy Marriage bill. The former will, I believe, pass muster, but the latter was made a mull of. The Queen's advocate got very "obstrepulous," and the Governor complained to me privately that I behaved with 'more than usual captiousness.' But it arose from a desire to save all that difficulty and mischief which must necessarily result from having *two codes* of law in Kandy. You will observe that cl. 13 of the new ordinance only legalises such marriages as were contracted in Kandy, "according to the laws and customs prevailing there *at the time of the contract*." Now, seeing that all these laws and customs had ceased in 1849, at the confirmation of No. VI of 1847, I thought it necessary that the words "at the time of the contract" should be omitted, and that the following words should be added at the end of the clause, "anything in the Ord. No. VI of 1857 to the contrary notwithstanding." You have no idea how rancorously the Queen's advocate opposed this, as well as every other amendment, simply because I had just previously thrashed him on an amendment in the cooly ordinance, by which I got execution against person recognised in cases under £10, recoverable as penalty! He quoted the judges of the supreme court against me: and I next day appealed to the chief justice, who said he had not expressed any opinion on the 28th cl. of No. VI of 1847, but had only said that no case had arisen for adjudication. And he privately requested the Queen's advocate to qualify his assertion—which he did not do! So I protested, and got Mr. Wall to sign the protest with me. D. of course backed out, as he generally does, whenever I am on one side. You will read my protest in the papers. Now, if (forgetting for a moment that you are now a Government man—but remembering the good of the colony, and the mischief that must result from this most extraordinary piece of patch-work) if, I say, you can secure an opportunity of doing good service to the colony

I hope you will not fail to do so ; if it were only to have the bill sent back for re-consideration. It was not even referred to a sub-committee : and what annoyed me most was the self-conceited style in which both Governor and Queen's advocate set about repealing a measure so carefully considered and deliberately settled.

'All the official members of council were with me. I need not mention Gibson, Caulfield, and Layard, because you are aware how careful they (especially the former two) generally are, and how unwilling to disturb ancient landmarks. But, of course, they were bound by "instructions." Bird was absent. Ederamansinger Mudaliyar, and the other unofficial member, not yet appointed.

'We have had field work since Thursday last. The Queen's advocate and all the rest of the bar against me. The case is one of a principal in the court praying that a fraudulent judgment obtained against him on the admission of his agents should be set aside. It took up five days, principally with the Queen's advocate's cross-examinations and speeches. I threw him over on almost every question, and had a most magnificent shy (in a good-humoured way) at him in my reply. Poor —— (who acts for Lawson) was in an awful way, endeavouring all the time to get us to settle the case, telling *each party* that if he did'nt settle, judgment would go against him. I was so annoyed at this that, in my reply, I complained of it, and said that after all the disadvantages I experienced in having the whole bar against me singly, and the fact that I had *notoriously* an honest and righteous case, it was *hard, uncommonly hard*, that the court should have looked to me to compromise the case. —— felt the thrust. 'But he is going to give me judgment, if in the meantime he does not succeed in getting the opposite party to take a compromise, so as to avoid giving a judgment against his *chief*.

'This is all the news I have for you. Many thanks for your Christmas present, and the compliment you paid me in folding down the page about Cæsar ! But I *must* say, that I never read such rubbish in all my life : such unmitigated proposition. *Ex. gr.* (from memory) :—

'That's what I always say, when you want a thing to be done soon, "Do it yourself ; do not leave it to be done by another !"

'To which I reply : "Them's just my sentiments."

'Talking of poetry, what do you say to John Giles in the *Observer* ? You will, of course, read the compliments which have been heaped on me, *in re* the grant-in-aid system. The Governor assured me privately that the sentiments he expressed in public only *fell short* of the obligations he felt for the satisfactory manner in which I had conciliated all parties ! The bishop was within an inch of embracing me. He positively *called* at my house, to thank me.

'I hope you have seen old Malcolm : and I hope you will see Holland before you return. Depend upon it, you will have lost a great treat if you lose the opportunity. In going through Holland, don't forget (when you are at Leyden) to call upon the ——, at *Warmond* (2½ miles from Leyden.) Their kindness will amply repay your visit. At Leyden, you should take up your residence at the 'Goude Zon,' a corner house in Breede street, kept by Juffrono Schlette, who knows how to make people comfortable.

'Don't forget to spend a few days in going through the British museum. You ought to ask to see Hermann's collection of Ceylon Plants, which so interested W. Ferguson.'

Another letter, dated 14th March 1859, contains some interesting facts about the *Examiner* newspaper becoming a burger organ.

'I don't think I ever mentioned to you of our having purchased the *Examiner* from John Selby, and placing it in the hands of Louis Nell. You will be able to see for yourself how far we are deserving of public support. It pays its way, and has acquired fifty additional subscribers, since we took it up. — picked a quarrel with us for not having supported his brother in a rubbishing dispute he got into with Dr. —; and I had a little passage at arms with both the brothers and Dr. Elliott on the subject, but have survived it. The consequence was that — had a shy at the paper, sneering at the "bevy of lawyers" who conducted it, a sneer which we took up, and administered another in return, which silenced the assailant at once. In other respects, we are doing "as well as can be expected." You will, of course, say, "Pray don't allow it to interfere with your business;" but I hope you will immediately correct yourself by saying, "Oh, by the way, Lorenz never did allow himself to be distracted from his business." Thanks be to old Driebig who taught me the trick.

'Between ourselves, very high opinions have been expressed respecting the tone and spirit of the articles—ahem!—which have appeared in the paper. And if (as I hope) we succeed in keeping up the thing, Fred., Louis, and myself being a sufficiently strong staff for the purpose, we shall prove that Ceylon after all has arrived at a position when her children can speak out for themselves; and that, in doing so, they can exercise the moderation which even English journalists have failed to observe.'

England was left by Mr. and Mrs. Morgan in April, and on their way through France, several days were passed in Paris—most enjoyably. The projected visit to Holland had to be given up, owing to the urgent need for Mr. Morgan in Ceylon. At Suez the homeward bound travellers were glad to find the vessel in which they left Ceylon, the *Nemesis*, awaiting them, and without further adventure they arrived safely at Galle, having met with no accidents, and not having suffered at all, save through slight sickness in England caused by change of climate. Soon after landing, however, and whilst on the way to Colombo, the horses in the carriage bolted, an upset occurred, in which some of the occupants suffered severely, leading Mr. Morgan to note in his diary, with emphasis, the

story told of Sir Francis Drake, who was in danger of being drowned in the Thames. 'What!' said the navigator, 'after having been all round the world on boundless seas, am I to be wrecked in a ditch like this?'

Two letters from Sir Emerson Tennent are of interest and value. From one of them it will be seen there was some question of Mr. Morgan being made chief justice whilst in London, or soon after his return to the Colony. The first is dated London, January 3rd, 1859, and is as follows:—

'I deferred writing to you till I should be able to say something definite about the matter you are so much interested in. The steps which I took were these: in addition to personal communications as to your claims I thought it expedient to write a letter to the colonial office on the subject, and I accordingly wrote to Mr. Merivale, who, being a lawyer, has always the most influential voice in all legal appointments. I said that if of the two courses, either to send out a chief justice from home or promote a puisne to the chiefship, the former were adopted, I, of course, had nothing further to say at present, but that if the latter course were taken, then I thought that not only on personal but on *public* grounds, it would be wise and expedient to place you permanently on the bench—*wise*, because your individual qualifications are of the highest order, and your character appreciated and admired by your countrymen—and above all, *expedient*, to advance a man, who may be taken as the head and representative of the class of gentlemen *born and educated* in Ceylon. I have pointed out that the intelligence and importance of those gentlemen are every day increasing, that they fill the confidential places in every office, public and private; that it will bind them to the paternal British rule if they see their own men of merit signaled and advanced; and that of *all modes* of advancement none would so prominently recommend itself as placing

a gentleman of your rank on the bench, in which capacity your friends in every corner of Ceylon would be gratified by the sight of your elevation during your circuits through the island.

‘I have little doubt myself that when a vacancy on the puisne bench occurs, your claim to confirmation will be agreeably recognized. But I find that on the present occasion it is all but settled to send out a chief from the home bar. The man is not yet announced, but some eleemosynary whispers point to Mr. Isaac Butt, the M.P., for Youghal in Ireland. Mr. Butt is a most able man, but not, I apprehend, a very profound lawyer. He began life as a *litterateur*, and for many years edited the *Dublin University Magazine* and wrote for the press in various ways. Then he went to the bar and got a certain amount of practice, chiefly owing to his ability as a speaker, and his extreme views as a Tory politician of the ultra-school. He then entered parliament as a conservative, but gradually modified his views and opinions, and at length avowed himself a Liberal and something more. His parliamentary duties, interfered with his professional engagements, and his business altogether ceased. As he adhered firmly to the Whig government, it is more than probable that he will be rewarded by the chiefship of Ceylon. If so, you will gain the society of a most amiable, agreeable and able man.

‘Your own turn will come, and when it does, I shall always be ready to restate my strong conviction of your signal qualifications and superior claims.

‘As to your unhappy railroad, we are all in suspense here, awaiting the report of the contractors’ agents in Ceylon and the award of the engineers here. I sincerely hope and trust that it will end in discouraging any railroad in Ceylon at present.

‘I was sorry to see Sirth Henry Ward’s angry message to Council, and his ill-judged and ill-founded attack on

Major Skinner. But Major Skinner's manly and dignified reply was so triumphant a defence as to silence the Governor's petulant and unwise attack.

'The success of my book on Ceylon has been truly astonishing. Three editions are exhausted, and we go to press again to-day with a *fourth* edition. I enclose you a paragraph, which you might hand to the *Ceylon Times*, mentioning the curious fact of copies of the second edition being sold for £4 each !

'I have had a nice letter from your son, which I enclose, as it will *gratify* you and his mother. I have written to him by this day's post.'

The second letter, dated White Abbey, Belfast, 30th August 1859, was as follows:—

'Two kind letters of yours are now unanswered before me: the last having followed me here from London. Once in each year, I come over to Ireland myself, as my landed property here requires an annual attention: and, then, each *alternate* year, my family accompany me, the intervening autumns being spent somewhere on the continent of Europe. But Ireland being my native country we have many attached friends, and two months pass away very happily in a tour of visits from house to house until it is time to return to London for the winter and parliament.

'We are now on one of these annual excursions among our relatives and friends, and going from one country-house to another: and in the midst of one of these your last letter has reached me. First, let me intimate that long ere this reaches you, my book on Ceylon will have been seen, in sheets however, in Colombo, whither I despatched three copies some weeks ago. The publication was delayed by intelligible causes; a long time was required to engrave the wood-cuts and maps, and then, no bookseller will publish a great work in *summer*, when everybody is out of London; they wait till

October, when the absentees are returning, and when country-houses are filled for the winter and *reading* begins, so my book will be out and in the hands of the public by the time you receive this. And, along with its appearance, there will be an article upon it in the *Edinburgh Review*, written by the greatest authority on Natural Science, now living,—Professor Owen, and as he has expressed a most favourable opinion of it, the work will be launched under good auspices. I hope to send *for your acceptance* one of the earliest of the complete copies, and it will gratify me to know that it gives you satisfaction.

‘I shall wait anxiously the arrival of the railroad papers which Mr. Swan has promised you to send for me. I am seriously concerned at all I hear about this sad affair; and your letter adds to my alarm, as I don’t see my way out of such a complication. How on earth are you to induce a company formed, *not of their own mere motion*, but at the invitation of Government, and under its direct auspices and guidance through an *official* director, how you are to induce a body so formed to surrender their contract, disburse the capital provided, and forego every advantage secured to them, is more than I can clearly see, and yet to go on, is to dare ruin deliberately.

‘You are now in the full fruition of your well-earned honours as a judge of the supreme court. I almost feel that I do injustice to the *individual* in the *amount* of gratification which I feel at seeing a man of your descent “in the highest places.” I fear that I am almost *more* pleased on the elevation of the body you belong to than in your *own* exaltation. But when I remember the venom which was so often called forth by every expression of my good opinion of the burghers I have a personal triumph in your success. I remember the *thrill* with which I heard the remark on one occasion, when I expressed, on my arrival in Ceylon, my surprise that I

had met none of the burgher gentry at the parties at which I had been received. "Oh no, the persons you have met constitute the *society* of Colombo, and the burghers are not included in that term." So here, by one turn of the wheel, a body of English officials found themselves in a position, at their will and pleasure, to exclude and taboo every gentleman of Ceylon from "society" in the land of his birth—and that, too, including men of ability and acquirements far in excess of the excluded. It is a *heartfelt* pleasure to me that the tide has turned, and that a burgher gentleman now takes the highest seat in the presence of the 'society' who assumed a spurious superiority over his fellow-countrymen. I thank you heartily for the copy of "Journey to Ceylon" which reached me safely; and which in compliance with the wish of Mr. Lorenz, I shall carefully return to him.

'I do hope that on the first intimation of a *permanent* seat on the bench in Ceylon, you will write to me in order that, if I can be of any service, it may be rendered promptly in your behalf. And may I also remind you, that when any of your friends are visiting England, I shall be happy to receive them not on your account alone, but from my attachment to their country?'

For nearly four years after his return, events passed very quietly with Mr. Morgan, and without much change. He once more mounted the bench, in place of Justice Temple, on leave; and Sir William Carpenter Rowe, chief justice, having suddenly broken down, he became acting senior puisne justice, remaining in this position till 1860, when Sir Edward Creasy arrived to take the first place on the bench. In 1861, Mr. H. B. Thomson was nominated to the bench, and Mr. Morgan acted for him as Queen's advocate till the end of 1862. Mr. Thomson, on the return of the judge who had been on leave, reverted to his substantive post. Sir Charles MacCarthy asked

Mr. Morgan to act as deputy Queen's advocate for a time, especially as his assistance would be of great value to him legislatively. The Ceylonese community were annoyed at this request, considering that an affront was being put upon their leader and champion. Not so, however, did he view matters himself. He knew better than most others the strong prejudices which existed against any one born in the country occupying what is really the most influential post in the island, viz., that of Queen's advocate. This became to him a reason why he should strive to obtain it. He had also learnt that it was desirable sometimes to stoop to conquer, so he accepted the inferior post, intending thereby to strengthen his claim for the chief appointment when it became vacant. In this he acted wisely, for a few months after, viz., in January 1863, he received the higher appointment not only without any reserve but also with the most pressing and cordial desire of the Government. Then commenced thirteen years of the most valuable public labours which it has been the good fortune or opportunity of any man born under oriental skies to render to the country of his birth, since Europeans have been in the East. A new departure may fitly be noted by the beginning of a new chapter. Before, however, viewing Mr. Morgan in his career as an official, a letter from his pen addressed to his friend, Mr. Darley, may be published. Now, eighteen years after it was written, the counsels contained in it need strongly urging upon Englishmen in Ceylon and Anglo-Indians generally. Mr. Morgan wrote:—

THE WHIST BUNGALOW,
3rd June 1860.

MY DEAR DARLEY,—I called at Queen's house yesterday to make my salaam, and as usual was treated to a long homily on all sorts of subjects—the railway and the council being prominent amongst them. The rajah spoke at length, and in rather a melting tone of you, and the communications he had with you on the subject of the railway, and expressed his great regret that you would not aid him, at this juncture, by coming to the council. 'He

has the instinct of opposition in him' he said, 'but is so right-minded in all things, argues so fairly, and speaks his mind out so boldly and straightforwardly, that there is no man to whom I can listen with greater attention, and whose advice I am more willing to receive.' He said he understood we were great friends of old and wished to know why I thought you were so opposed to coming to the council, and whether you could be moved,—particularly now that he heard Mr. Butler was coming out. I told him that I knew that on principle you always objected to give your time and attention to any work unless you could really do good in it; and that, when member of council, you often felt how powerless you were for good; that in addition to this, I believed that your business was absorbing all your time and attention and that you could not afford to give any to other matters; that I had not heard, and was not prepared to believe that Butler was coming or that it would make any difference if he did. Sir Henry went on talking on other matters and said that Mr. Hawkshaw's report would certainly come next mail, that Brassey and Ogilvie and Peto had made their tenders which were unsealed for a week—the last extension being allowed by the Secretary of State to Captain Moorson's friends who were anxious to make a tender too.

It is not unlikely but that His Excellency will try you once more. I have been thinking of the matter since, and I am sure you will excuse the liberty I take in submitting my views for your consideration.

Much as you profess to deride the colony and things colonial, more I fancy in joke than in earnest, no one, I am satisfied, is more alive than you are to the responsibilities which residence in a foreign land, and carrying on one's avocations there, entail upon an Englishman and a Christian. When the time comes, as I sincerely hope for your sake and that of your family that it soon will, for you to leave the island, you will doubtless wish to leave a name that will be remembered and loved; you will doubtless wish to have recollections and associations of some little good done by you, to look back upon. The present, I feel persuaded as much from the views I have heard you express, as from all the considerations I have been able to give to the subject, is a most critical time for Ceylon. On the decision that will be come to on the subject of the railway will depend, I much fear, our destiny for a quiet and moderate prosperity or for days of debt and distress and embarrassment in the time to come. The importance of the occasion therefore is obvious.

Next, look to yourself. I have too much respect for you to suppose you can be moved by empty words, and I know I should be only despised by you if I said that which I did not honestly and sincerely feel. But really there is no one amongst the merchants whose views will be received with greater attention and respect than yours by the Government or the public. Look to the officials—the General, Gibson, Skinner, Caulfield, Layard, Saunders, Sim, Braybrooke, by all of whom what falls from you will have far greater weight than what might be said by any one else; and if any man can bring Sir Henry over, or failing that, successfully oppose him, you are the person to do so. There is no one then who can join the council at this moment with greater prospects of usefulness than yourself. Considering the occasion, considering that by taking a part now you may do some good, or at least secure to yourself the consciousness of having done your best to avert mis-

fortune, will it not be well to make for a time the sacrifice which the duties will entail upon you, and join the council? You will recollect what a mess that body made of the affair last time. Ruin, positive ruin must ensue, if the trumpet now gives an uncertain sound, and that must be the case unless there is one in council clear-headed enough to understand the object in all its bearings, and strong-minded enough to resist the sophistry and fascination that will be largely used by those who will strive to fasten the mill-stone round our neck.

For a very different reason, therefore, to what would seem to influence the Governor in wishing you to join the council, but with all the earnestness in the world, do I wish you could overcome your objections and join the council even for a time, *i.e.*, until the railway difficulty is all settled and over.

You must excuse my troubling you with this; I had no idea when I commenced that I was going to write so long a letter. Don't take the trouble of replying to it. If I can get away from court early enough one of these days, I'll call and see you.

Believe me,

Yours very truly,

(Signed) RICHARD F. MORGAN.

CHAPTER VII.

CHIEF LAW ADVISER TO THE CROWN; POLITICAL TROUBLES.

1863—1864.

EARLY in 1863, Richard Francis Morgan was sworn in as Queen's advocate of Ceylon; the guns from the old Dutch fort announced the fact to the dwellers in the capital. The ardent Radical of 1848-50 had become a pillar of the State, and for fourteen years afterwards was a central figure in the land, at times seemed to be the pivot on which the chief affairs of Government turned. The district judge of Colombo (Mr. T. Berwick) used no more eulogy than was justifiable of the deceased when, the day after Sir Richard Morgan's death, he said, 'In all the affairs of the colony it is unnecessary to speak for of its history *ille magna pars fuit*.' Few men have ever attained to such wide spread and peculiar influence as he exerted. His position was unique and was recognised as such. Of local knowledge he was so full that his well-stored mind was apparent in all he said, and when Governors or colonial secretaries wished for information concerning particular despatches or the bearing of circumstances which had occurred at any period for thirty years, what was needed was furnished from the rich stores of his memory.

The events of the period to be dealt with in this and succeeding chapters at first sight appear to give colour to the remark, repeated more than once after Morgan's appointment of Queen's advocate had been confirmed,

'Ah! the old story. The Radical has turned courtier when office is in sight.' This was not fair in regard to Mr. Morgan. It may be well at the present juncture to show this, so that when the events come to be considered, what there is to be urged on his behalf may be borne in mind. To the end of his days, Morgan was a strong Radical, but not in great sympathy with the cries and aspirations which filled the mouths and hearts of younger politicians on the side to which he belonged. Few indeed are the men who can be progressively Liberal, who can go on learning all through their lives. Mr. Gladstone can; Mr. John Bright cannot. In each successive attempt of public opinion, striving to wrest something more from the fastnesses of privilege, Mr. Gladstone finds himself able to take part—his mind possessing the marvellous power of shedding old prejudices, as snakes shed their skins, and re-appearing in a newer and better one, better because more closely fitting. Mr. Bright, on the other hand, has not this power: he started in political life with a programme which, to his contemporaries seemed Utopian and revolutionary, and he, himself, must, time after time, have feared it could never be carried out whilst he lived. He was far ahead of his countrymen, 'born a generation too soon,' said his less energetic stay-at-home friends. Yet he has lived to see all he advocated carried out, and himself a minister of the Crown. He now rests upon the achievements of the past. All his speeches are epitomes of the campaigns in which he has fought and the battles he has won. He, who, when a lad, reading the weekly paper to his father and friends¹ felt all the nerves of his body quiver with excitement as he read that it was determined to proceed with 'the bill, the whole bill, and nothing but the bill,' and subsequently devised programme after programme for corn law repeal and house-

(1) See speech at Birmingham in May, 1877.

hold suffrage agitation, now deprecates programmes: thinks they are cramping and narrowing like the thirty-nine articles. Reform in the land laws he is still the true exponent of, but temperance legislation he cannot rightly understand: legislative effort upon it has reached his organism too late, has come to him only after he has become ossified, total abstainer though he be himself.

This is precisely how it was with Morgan. The particular objects he had fought for with praiseworthy pertinacity in his young manhood had been realised, and thenceforward his mind had no more new grasp of great questions left in it. In regard to minor reforms, as will be readily seen, there was the old spirit ready to liberalise and make broad the foundations, but the faculty for projecting new and great things was not there. Even if it had been, he could not have undertaken either the leadership or a prominent part in such a work; the multiplicity of details, the throng of subjects which occupied his attention as chief law adviser of the crown and permanent grand jury for the island, added to which was a large private practice, rendered creative legislation of a large order impossible. Still he was true to his creed, but that creed as he had learned it was out-worn, and busy, perplexed man as he was, he had neither facilities nor opportunities for re-shaping his course. Difficulties occurred in the legislature; a stand was made by the unofficial members for independence of action within certain limits. Morgan greatly sympathised with the movement,—with such a past as his he could not well do otherwise, but, as will be seen, at this particular juncture he was, really, the government, the occupant of the *gadi* being an old soldier, very brave and very pleasing in his manners, but with no capacity for keeping the state ship keel lowermost during a political storm. At these times Morgan was very fond of quoting at home, the Duke of Wellington's remark, 'The

King's Government must be kept going,' and it was because the responsibility was so great upon him personally that he was led to appear as the champion of conservatism, as the (apparent) foe of liberty, and as the opponent of a due measure of independence in constitutional matters. Thus much by way of preface to a consideration of the higher political life of Richard Morgan.

It is not often that there are public or political questions of importance in Ceylon for discussion, and as 'man being reasonable' must discuss, personal topics receive a full share of general attention, and personal appointments are canvassed and debated with a freedom which is far from pleasing to anybody concerned. New York political aspersions are equalled in Ceylonese discussions: motives and adventitious circumstances are wrangled over with a skill and pertinacity worthy of a better cause. Mr. Morgan's appointment as Queen's advocate led to a controversy in the newspapers which lasted for a great length of time, and in which much race-virus and animosity was displayed. Gathered into reasonable limits the chief arguments in the wordy warfare were: (1), that it was disadvantageous to appoint any one born and bred in the island to such a post as Queen's Advocate: it was argued that the connections which a man had formed in fighting his way upward would influence and sway his action in his exalted and responsible post; (2), on the other hand, it was alleged that the island laws being many and peculiar, no English barrister could adequately grasp them and rightly perform the onerous duties of Queen's Advocate—(a number of instances were cited in proof)—whilst Richard Morgan, by his diligence and his intimate acquaintance with the complex enactments of the colony, was eminently the fittest man conceivable for the post. On these points the conflict raged long and the dispute waxed fierce, as only such disputes can wax fierce in a small colonial com-

munity. The result, strange to say, was almost unanimity of feeling that a good appointment had been made.

The prejudice, however, against a country-born man occupying a seat in the Executive Council, and being—as the Honorable R. F. Morgan was, in fact,—the chief performer of a great part of the island's business, was not easily removed. No man could have been more discreet or have tried more carefully to avoid giving offence than did the new Queen's Advocate; nevertheless Mr. Morgan felt that there was prejudice against him as regards his origin. 'The colonies of Great Britain are ruled too much from the Colonial Office in Downing-street and for the advantage of the nominees of that office—the nominees being men who have been clerks in the office or who are recommended by friends of 'permanent persons' on the establishment. Instances in which Mr. Morgan felt that this prejudice was exhibited will be noticed subsequently.

One of the first experiences of office was annoying. The occasion arose in this wise. In the planting districts of Ceylon, where magistrates' courts are at a great distance from each other, and the police force small and scattered, appointments as justices of the peace are conferred upon selected European planters. Their duties mainly consist in granting warrants to enable coolies who had run away from one estate to another to be taken back. Mr. T. Berwick, deputy Queen's advocate at Kandy, had some doubt as to the legality of certain warrants which were issued, and wrote a long letter on the subject to the provincial inspector of police, Kandy, in which the following passage occurred:—'As intimately connected with and interested in the administration of criminal justice, I may state (and am willing that you should make every official use of the information) that I have hardly ever known a justice of the planting districts do anything to secure the apprehension of criminals in cases of serious

crimes or breach of the peace, although the gaols are crammed with scores and hundreds of men, women, and CHILDREN arrested on what are known satirically as "planters' warrants" for desertion. And I can concur with every police magistrate and public officer in the province in testifying to the gross abuse of these warrants. And cases have even come to my knowledge in which labourers on other estates have been frequently arrested at the instance of neighbouring planters, and never taken to the police court, but simply *handed over* by the arresting justice in gangs to the person who applied for the warrant.' Mr. Berwick added that he should bring this subject under the notice of the Queen's Advocate with a view to existing defects in the law being remedied. Great agitation was caused when these sweeping assertions were made public, and several justices of the peace sent in their resignations.

The Queen's Advocate accepted the statements of his deputy as *bonâ fide*, and, on receipt of Mr. Berwick's letter, brought the matter before the Government. A communication was addressed to the Colonial Secretary in which the following passage appeared:—'In the interest of the labourers resorting to this colony, who are entitled to protection at the hands of the Government, and in the interests of criminal justice generally, such a state of things must at once be put an end to. No useful purposes can be served by any enquiry into what has heretofore been done, but it is desirable that steps should be taken to prevent a repetition of such proceedings in future. I beg, therefore, to suggest that the attention of the unofficial justices be called to the representation now made, that they be informed that, before granting warrants, they must take care to satisfy themselves by proper affidavits, and, if need be, the examination, on oath, of parties, that a serious crime has been committed, that the parties guilty of the crime must be clearly

designated, and that, in no case are such parties to be given over to the person making the complaint, but to be forwarded to the proper tribunal to be dealt with according to law.

‘ Furthermore, as regards the alleged charge of desertion, they must bear in mind that, to constitute desertion, there must be a valid engagement of service entered into between the employer and the labourer, and not merely an engagement such as would be deemed in law an engagement by the day; that such a charge is cognizable by a police court, and that, for offences cognizable by police courts, or summons, a warrant is the proper progress.’

The Planters’ Association took up the matter with the energy characteristic of that institution when a personal question is on the *tapis*, and exception was taken to the suggestion in the Queen’s Advocate’s letter that summonses should be issued, as these, it was alleged, would merely serve as hints to the coolies to abscond. But the planters reserved their strongest remarks for Mr. Berwick’s letter. The assertions made were said to be false, enquiries proving them to be unfounded.’ It was asked that Mr. Berwick should be punished and that the Government should withdraw its circular letter.

Mr. Berwick defended his original statement and pointed out that the statistics quoted by the Association (see note below) had been collected during a period in which the police had been ordered to discontinue executing such warrants. After a time the discussion ceased without any definite action being taken, a

(1) The secretary of the Association wrote:—‘ I am directed to inform you that, during the last six months ending 30th June, the total number of prisoners in gaol, on charge of desertion were in Kandy, 72; in Matale, 21; in Nuwera Eliya, 22; in Badulla, 24. Of those in Kandy gaol 3 only were arrested on warrants signed by unofficial justices, of those in Badulla gaol only one. It is not stated how many were so at Matale and Nuwera Eliya. In Gampola no account was kept, coolies committed there being generally sent to Kandy, if in custody more than a day or two.’

great deal of angry and acrimonious discussion in the newspapers having taken place, many correspondents not scrupling to use the argument that these events proved the unfitness of a Eurasian to be chief law adviser to the crown. As a matter of fact the gentleman who was the *fons et origo* of the dispute, Mr. Berwick, was a most patriotic Scotchman.¹

(1) How stoutly Mr. Berwick maintained his position may be judged from the following letter :—

‘Deputy Queen’s Advocate’s Office,
COLOMBO, 28th August 1863.

‘SIR,—Having in my letter of yesterday’s date had the honor of addressing you on the subject of that point in the recent correspondence with the Planters’ Association, which courtesy to the body of unofficial justices seemed to me to call for first consideration, I had intended on the present communication to justify, as well founded, those statements in regard to the number and abuse of warrants which the Association in their letters to Government of 6th June and 8th August have characterized as unfounded; and made the subject of warm complaint to Government.

‘2. But the announcement in last night’s paper of a notice of motion in the Legislative Council for returns, has modified my intention; as the course which the Council will probably adopt on that motion, I have no doubt, will sufficiently prove that my statements, grave as they were, were substantially correct, and in the most serious respects understated.

‘Should it, however, happen that the warrants, affidavits, or other records of proceedings, and particularly those of unofficial justices (being both scattered and bulky) have not been so preserved as by themselves to afford full data for judgment, I dare say, if it appear desirable, an opportunity will be afforded to me hereafter by Government of stating and proving the grounds on which I shall be prepared to justify my statements.

‘3. I have used the expression “substantially correct” purposely; for, seeing that the whole object of the passage which has met so warm a denial, was plainly directed to the numbers arrested and abuse of the process of arrest, I cannot suppose that a body like the Planters’ Association would rest their denial upon, or deal at all with mere verbal distinction or technical definitions of such a phrase as “gaols” used in the sense of an authorized places for detention of prisoners: especially as if verbal strictness be resorted to, (to refer to another impugned expression,) whether such places are crowded by prisoners of a particular class, depends less on the number incarcerated than on the accommodation available: and particularly the accommodation available for them over and above prior demands. It has been supposed that I had made an assertion inferring that hundreds of deserters at a time “are lying in goal.” The words I did use simply implied, and their very indefiniteness as to number and period shows it, that excessive numbers “hundreds to wit are committed to gaol” on warrants for desertion; not (though it may perhaps prove so) that such numbers were ever or any one day in custody. They were the expression of such a fact as this within my own knowledge, viz., that for a period of three-and-half months, the numbers committed was at the rate of six hundred a year in precise numbers, 550 in a single gaol; or such a fact as this, viz., the arrest by gangs, of men, women, and children indiscriminately, such gangs I believe frequently exceeding the number popularly known as a “score.” The words “illegally arrested” have been attributed to me as annexed to those numbers. But they do not occur in any part of my letter; nor does their sense, expecting in refer-

The chief law adviser of the crown in Ceylon has multifarious duties to perform as a legislator. He not only has to suggest the subjects upon which legislation is necessary, but he also has to draft the measures to be presented to the legislature. Mr. Morgan's first session was marked by the introduction of several important measures, such as the land registration ordinance, the marriage ordinance, and the justice of the peace ordin-

ence to the particular warrants then submitted to me. In the portion of my letter which referred to the connected subject of the excessive numbers and abuses of warrants, my observations were wholly independent of their apparent legality, indeed many of those, however substantially defective or improper, might *ex facie* appear legal enough.

'4. But having now repudiated the misconstructions which have been placed on my letter, and all mere verbal distinctions, I submit that the substantial questions of fact at issue are simply these : whether excessive numbers of coolies have been arrested under warrants charging desertion of service ; and gross abuses of these warrants been prevalent. And I would distinctly mark that, in my belief, it is the latter point which is the gravamen of the subject under discussion, and pre-eminently the charge with which the planters have any real cause for dissatisfaction if it be unfounded.

'5. Respecting the publication of certain statistics of the Kandy gaol from January to June by the Association as disproving my assertions, but dating from the very period when the police had been ordered to discontinue executing such warrants, I make no comment in the proceedings, whatever reason I may have for complaining of the public use which has been made of the so-called statistics, when the fallacy of the supposed disproof and entire unjustifiability of the language founded thereon are so easily demonstrated. My object in alluding to them now is, in the event of this letter being made public, to counteract at once misapprehension as to the true value of what, as it purports to emanate from such a body, would be naturally considered entitled to weight in public opinion.

'6. I have only further to point out that in that part of my letter of 12th January to Captain Drew, in which I indicated the excessive use and abuse of such warrants, I was dealing not with the question of what class of justices had been the agents of the system, but with the evils of the system itself : although as it happened that the matters then submitted for my opinion by the superintendent of police were the powers of unofficial justices and the legality of certain of those warrants issued on charges of desertion, my remarks on this matter were naturally connected with as they arise out of the documents then specially before me.

'If that fair construction be rejected and also if it should turn out that official justices of the peace have been as unsparing in the issue of warrants as others, this would only shew that the evil was of greater magnitude than represented. But I have no reason to anticipate that the abuses which have occurred with the former have been of the same grave description, and all reasonable offence on this score would appear to me to have been disclaimed by the fact that the Government circular was addressed to all justices, official as well as unofficial.

'I have, &c.,

'(Signed) T. BEARWICK.'

'The Hon'ble the Queen's Advocate, Colombo.'

ance, the last-named providing for the reform of certain defects in existing legislation.

During the years 1863 and 1864 public opinion in the island became greatly excited on several matters of importance. The revenues of the island were flourishing, public spirit was aroused, and much interest was taken in the action of Government, particularly in the matter of public works, the planters especially wanting roads for the carriage of their produce.

Sir Henry Ward had been active in such works, which were often undertaken without previous sanction and provided for in surplus funds ordinances. Sir Charles MacCarthy, the succeeding Governor, was quite another kind of man. *Quieta non movere* was his motto. He said *Festina lente* was the expression which guided his policy, but the word and the act were not in harmony.

The Colonial Office had not, in 1864 got rid of the idea which prevailed when Ceylon was conquered, viz., that it might be a source of revenue to the mother country, or at the least no burden. It was decided that the military expenditure of the island should be borne by the local exchequer, but the people of Ceylon were to have nothing to say to the amount of these charges. Further, the order was given from London that surpluses were no longer to be expended on public works, but retained in the treasury. The consequence has been thus described:—‘Restricted expenditure speedily produced its results in the prostration of all the institutions of the country—roads became impassable, the Public Works Department was disorganised, and all was disorder and discontent.’ This was the state of things in August 1864 when Major-General O’Brien, the Lieutenant Governor, opened the session of Council for that year.

Major-General O’Brien has been termed ‘a mild and inoffensive old gentleman,’ and the phrase seems to fit him exactly. He was not the man for the crisis which now

came about. The speech he made on opening Council was a very mild and innocuous statement. It could not tell of very great prosperity, and it prudently promised little in the way of new legislation. It is the custom in the Ceylon legislature, as doubtless in most other chambers in crown colonies of the same type, for the Governor's opening address to be referred to a committee of members who generally echo, in from a dozen to a score of formal paragraphs, their appreciation of the unbounded and marvellous wisdom evinced by the Governor in his remarks, and their confidence in his rule generally. The Council met on the 17th of August and a reply of fifteen paragraphs was brought forward. At this meeting, by some strange hap, there were present six non-officials—the complete number—and only five Government members.¹ The reply was read paragraph by paragraph, and when the fifteenth had been read, Mr. Wall moved an amendment and announced that he had two others to follow. On the first amendment² Mr. Wall made a very forcible speech in support of his proposal. The motion having been seconded, the Queen's Advocate pointed out that it could not be put. The reply to the Governor's speech could only advert to matters which had been alluded to in the address. This contention was sustained, and the amendment was ruled out of order.

The second amendment was then put. It was as follows:—‘That the Council, acknowledging with thankfulness the prosperity of the island, consider it to be attributable entirely to the high values the staple articles of

(1) The officials were:—The Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent, Western Province, and the Surveyor-General. The non-officials were Mr. G. Wall, Mr. Thompson, Mr. C. A. Lorenz, Mr. J. H. Eaton, Mr. J. Capper and Mr. J. Alwis.

(2) ‘That, considering the important measures taken by the Council at the end of the last session, and the deep interest and anxious concern felt by all the members in regard to the question of the military expenditure, they feel slighted by the entire silence of the Government upon that subject in the address.’

its produce have for several years maintained in the markets of the world, and to private effort, and not to any encouragement of industrial enterprize by the Government.' The Queen's Advocate made an able and dexterous speech against the adoption of this paragraph, and replied to the points of Mr. Wall's remarks on the first amendment. Mr. Morgan's speech was characterised by the gentleman who followed him (Mr. Lorenz) as catching all the small fish but allowing the large to escape. The speech was undoubtedly happy as an official reply. On a motion the amendment was lost, Mr. Thompson voting with the officials.

Mr. Wall then brought forward his third amendment, which was, 'That this Council desire to record their dissatisfaction and discontent, that revenues have been exacted for several years so far beyond the requirements of the public service, and so much larger than could be devoted to public purposes, and they further complain that whilst the revenues have been so abundant the efficiency of nearly every public department has been seriously impaired by the parsimonious policy of Government.' The former proposals were unpleasant; this was absolutely unpalatable. When this motion was made, Council had been sitting about four hours, and a message was sent to the Lieutenant-Governor apprising him of the serious position of affairs. As a rule, the reply to the address is passed within fifteen minutes of the Council assembling, and the Governor stays at Queen's house with his carriage and guard at the door ready to proceed to the Council chamber and express his acknowledgements for the manner in which his remarks have been received. For four hours had the poor General sat in full costume, with his orders on his breast, but no messenger came from the Council room. When at last a letter was brought to him it was not a summons; it contained bad tidings, for it expressed the fear that though two amendments had been defeated,

the third would be adopted. The sequel proved the anticipation to be correct. An hour's debate followed, in which the Government members did their best to show the unwisdom of passing a vote of censure upon the authorities, and names were called, with this result:—

For the amendment.....	6
Against ,, 	5

Majority against Government.... 1

The Council immediately adjourned. A vote against 'the Government' in a crown colony is a far more serious matter than a similar vote in the House of Commons, or in the Legislature of an Australian Colony or of a Prince in the Canadian Dominion, for if one party goes out, another is prepared to come in. In a colonial assembly like that of Ceylon it is contrariwise: Government has to accept its defeat with as good grace as possible and continue its duties as though nothing had happened. The defeat of the Government on a vote was, perhaps, the last thing contemplated, for by the constitution of the assembly the Government in a full house has a majority of one-third. For some reason or other care was not taken to secure the attendance of a preponderance of officials, and Government had to accept defeat. It has never since occurred that there was not a majority of official members present at meetings of Council.

Great excitement was caused in the island by the proceedings of the unofficial members, out of which sprang a long series of events which, for a time persistently, and subsequently at intervals, agitated the colony. Twelve years later the mere reference to the circumstances of this time served to divide the people into two camps.

This is not the place in which to tell the whole history of the Ceylon League, which was formed afterwards. The details of the good work done by that body in the colony,

in London, and in the House of Commons, the whole facts must be looked for elsewhere. Only so far as the incidents of the League are concerned with the Queen's Advocate can they be related here. It may be stated that the reply of the majority of the council was conveyed to General O'Brien, and by him condemned.¹ The fight at the beginning of the session was only the prelude to more decisive action later on. The bone of contention was the military expenditure. Alone amongst the crown colonies of Great Britain, Ceylon bore the whole cost of the soldiery needed for the defence of the island. As the colonists provided the money for expenditure, they conceived that it was only fair they should have the same control over the outlay as they had in respect to civil establishments. This was resisted by the War Office and the Colonial Office. The colonists were of opinion that more money was expended than was necessary and naturally were discontented. Officials as well as non-officials prior to 1864 were, in the main, agreed on this point, and it is alleged² that during the rule of Sir Charles MacCarthy, for the first time in Ceylonese history, secret instructions had been issued to the effect that the votes of officials were, like their time, to be at the entire disposal of the Govern-

(1) 'I cannot, however, refrain from expressing my sincere regret that you should have thought it necessary, on the occasion of my meeting the Council merely as the temporary administrator of the government of this island in the absence of the Governor, to introduce an amendment into your address, censuring the policy of the Government. I cannot admit the correctness of the observations therein made; nor can I hold out any hope that it will be in the power of Government to remit at present any portion of the taxation to which the inhabitants of this country are subject. Indeed, in this respect it seems to me that your proceedings are somewhat ill-timed; for, in the absence of the Governor, it cannot in fairness be expected that I should interfere with the settled policy or system of taxation established here. But, as I have already indicated, I do not admit either the necessity of remitting any portion of our taxation, which in itself is neither high nor burdensome, nor do I consider that it would be expedient to do so at a time when we are in the midst of an undertaking of great magnitude, and on the eve of a settlement of the long pending questions of the proportion of military expenditure which the colony ought to bear, and when demands are pouring in all sides for new works and new undertakings.'—*Reply of General O'Brien to the Council.*

(2) I have not been able to verify the truth of the allegation, but the authority upon which I make the statement is, I think, trustworthy.

ment. The rumour of such state of things helped to increase the dissatisfaction now becoming general.

In November 1864, on the military question, the non-official members resigned their seats in a body, forwarding at the same time a letter to Government in which their reasons for resignation were given. The letter is a very able one, and sets out at length and in convincing terms the justice of the position assumed. It may be given here as succinctly describing the occasion for such an extreme action being taken. The letter was addressed to Major-General O'Brien, as the officer administering the Government of Ceylon, and was as follows:—

SIR,—We, the unofficial members of your Honourable Council, deeming it incompatible with our sense of honour and duty to take part in the measure referring to Military expenditure, which your Honour has been directed by the Secretary of State to introduce to the Council, feel compelled to resign our seats.

We believe the demand made by the bill upon the resources of the colony is unjust, and, if exacted, would prove highly injurious and oppressive; but if we had no other objections than these, we should have felt it our duty to discuss and oppose the measure in our places, and to have rested content to suffer the inevitable defeat which the Government, with its overwhelming majority of official votes, can always ensure.

It is because the peculiar character of the bill, and the circumstances of its introduction, seem to us hurtful to the dignity and honour of the Council, and contrary to its rightful privileges, that we decline taking part in it. We should deeply regret if our retirement caused inconvenience to your Honour's Government, but we feel assured that the knowledge you possess of the willing services we have ever rendered in the Legislative Council, will save us from any possible imputation of factious or unworthy motives.

In explaining the reasons which compel us to take the course we now adopt, we shall have occasion to refer to the Memorandum and Despatch of the 26th September. *First*,—as to the *privileges of the Council*—we do not think it necessary to enlarge on the elaborate distinction the Secretary of State draws between the *principle laid down* and the *pledge supposed to have been given by Earl Grey in 1848*. The material facts are undisputed—*viz.*, that Earl Grey, as Secretary of State, did lay down a principle; that he confirmed it subsequently, and that it is still more emphatically laid down in the Memorandum of 26th September, as 'a cardinal point and first condition of any sound and regular system of finance.'

The principle thus authoritatively and conclusively established is, 'That appropriation of revenue in every case should, without exception, rest on a Legal Enactment, and in no case on a simple instruction of the Secretary of State.'

There is no question, therefore, as to the *principle* that it is the constitutional and proper function of the Legislative Council to control the whole expenditure of the colony, military as well as civil.

Her Majesty's Government having laid down this principle, it would seem superfluous to question whether or not the Council had the *right* to exercise its own proper function! The fact that it is a *function* and duty makes it a *right*. The laying down of the principle established the *right*, and Earl Grey distinctly stated it as a *right*, though he afterwards admitted it had not been the *practice*.

The only reason why the Legislative Council has not exercised its right, is because Earl Grey and his successors in office have ever since, in direct violation of the principle they themselves laid down, persisted in keeping up the practice, described as so highly objectionable and irregular, of making the appropriation of our revenue for military expenditure on their own simple order. We have thus been deprived of our rights by the interposition of those very authorities who established them.

The *right* has in fact been ours, at least since 1848, but Her Majesty's Ministers have superseded it, doing by their own simple order what they declare to be the function of the Legislative Council.

At length, however, after numerous appeals from the colony, it has been decided to give effect to the 'just and sound principle,' and Her Majesty's pleasure on the subject has been made known to us in the Despatch and Memorandum of 26th September.

Seeing how long we have been deprived of a constitutional right admitted and established sixteen years ago, we might reasonably have expected it would at length have been graciously and unreservedly conceded, whereas it is offered only on *conditions*. We are in fact to purchase it, and the price demanded for its enjoyment in *name* is no less than its renunciation in *fact*.

The Council is first to pledge itself to the full amount of the demand of the Secretary of State as the *condition* of afterwards enjoying the liberty of inquiring what that sum ought to have been. We may at length exercise our constitutional functions and settle this financial matter for ourselves, but not until we have adopted the settlement unconstitutionally made for us by the Secretary of State, which seems to us like offering a man a trial on condition of his first signing his sentence.

Such a proposal we deem unworthy and humiliating; and, if imposed upon the colony, it must be on the sole responsibility of the servants of Her Majesty's Government, and not of the Council. Had Her Majesty been pleased to confer on the Council that control which her own Ministers declare to be the 'first condition of any just and sound condition of finance,' we should have been ready to discharge our duty with all loyalty, faithfulness and liberality; but, as independent members, we are not prepared to accede to the humiliating conditions imposed.

Apart from the *right* which flows from the *principle* laid down, viz., that the finances of the colony should be dealt with by the Legislative Council, Earl Grey's Despatch of 1848 is explicit as to the way in which both the civil and military establishments were to be provided for, namely, by an *inquiry of the Legislative Council* to define the requirements of those services; and, whilst directing that the Governor of that period should at

once institute an inquiry as regarded the 'whole of the fixed establishments in all their detail,' His Lordship stated that the military establishment would call for his 'special attention.' In pursuance of this order, the civil establishments were liberally provided for by the Legislative Council, and we firmly believe that the military expenditure would then, or at any time since, have been provided for by the like means in an equally liberal manner.

Assuming, however, that we could accede to the terms imposed by the Secretary of State, it is by no means certain that the Legislative Council would be allowed to enjoy the privilege of inquiry even after agreeing to the unreasonable conditions demanded; for Her Majesty's Minister expressly reserves to himself the choice of submitting the enquiry to a *Commission*, and does not pledge himself to give it certainly to the *Legislative Council* at all.

The position of the colony in regard to its Military expenditure would therefore be worse after the passing of the proposed bill than it is at present. For sixteen years we have waited for the promised Despatch on the subject; and if this bill were passed we know not how long we might have to wait for the promised inquiry.

Further, although the principle to which Her Majesty's Government have now decided to give effect, is 'that appropriation of revenue in *every* case should, without exception, rest upon a Legislative enactment, and in *no* case on simple instruction of the Secretary of State,' (vide memo. clause 29) yet we find by clause 33 of the same document that Her Majesty's Government nevertheless reserve the right of future demands upon the colony. In other words they reserve in one clause what they have expressly relinquished in another, and *the very terms they offer us are in direct violation of the principles they have themselves laid down.*

It is upon such uncertain and partial concessions that we are expected to cancel the deliberate vote of last session.

Secondly.—*Respecting the liability of the Colony* in regard to its Military expenditure we, as members of the Legislative Council, have ever expressed our sincere and earnest desire to meet that question in a fair and liberal spirit, and to contribute cheerfully whatever amount should, on a full and fair inquiry by the Council, be considered due by the colony.

The action of Her Majesty's Government does not seem to have been prompted by an equally fair spirit, but with a view to the relief of the Imperial exchequer rather than to the welfare of the colony or the demands of justice.

We do not follow, nor attempt to answer, the arguments by which the Secretary of State attempts to show that our present forces could not be materially reduced, that the whole of our Military expenditure should be paid by the colony, and that the establishments at Trincomalie are maintained for local, not imperial purposes, because we are unwilling to anticipate, by any opinion of our own, or by any foregone conclusions, the result of the inquiry for which we have so long prayed. These, and all other questions connected with the Military expenditure of the colony, ought to be fully investigated by the *Legislative Council*. The opinion expressed on these points in the memorandum of September 26th, however, seem altogether at variance with the language of Earl Grey's Despatch of July 17th,

1864, wherein he alludes to the great importance of Ceylon as 'the key of the Indian Ocean and the great insular outpost of the British Empire in the East,' and describes the harbour of Trincomalie as 'the great reserve station of our military and naval forces in that quarter of the globe.'

We should have been glad if the Secretary of State, in quoting the opinion of the Select Committee of the House of Commons of 1861, to the effect 'that the expense of the troops in Ceylon should be borne in a greater degree by the Colonial Treasury,' had also mentioned the grounds alleged for that opinion. It should be borne in mind that that Committee had not before them a correct statement of the actual proportion the colony did pay.

We are at a loss to conceive why the Secretary of State should have thought it necessary to quote the *opinion* of Mr. Dundas in 1801, or the *intention* of Earl Bathurst in 1821, as bearing upon the present and future obligations of the colony. We fail to see what authority the mere *opinions* and *intentions* of those officers could have in the present state of the question. The former was an opinion offered just after the British had acquired possession of what was believed to be an El Dorado, from whose cinnamon groves and fabulous riches golden harvests were expected. The dreams of that period and its policy of extracting wealth from colonial possessions for imperial purposes have, in our opinion, a bearing on the question at issue far different from that for which they are quoted. With the policy of that time we associate in memory the loss of the noblest acquisition that was ever attached to the British Crown. It was an unwise and disastrous policy not to be imitated in these times.

Thirdly.—With regard to our *financial* position, the Secretary of State labours under serious misapprehension. So far from its being the fact that the ascertained surpluses have been realized 'after fully providing for the Civil establishment and for all the other services of a civil character, and after providing liberally for public works and improvements,' the truth is that they have been produced at the expense of the efficiency of nearly all the public departments of the colony, by a culpable neglect of public works and by a generally parsimonious policy which has been universally stigmatized and has brought the Government to public censure. This policy, necessarily suicidal, has already begun to produce an effect on the revenue, for the Colonial Secretary in his place in Council has repeatedly and emphatically declared during this session that there was already an end of surpluses, and he plainly indicated the probable *increase* of the *export duties* as necessary to meet the already existing pledges of the Government.

Whilst these hoards of the revenue were accumulating, numerous applications for important public works have been annually declined on the ground that there were 'no funds.' The Government, unable to dispute the necessity for those works, could put forth no other plea for their non-execution, and has not scrupled repeatedly and continually for years past to declare its inability to carry them out for *want of funds*. Further, when the order to reserve £30,000 as an additional Military contribution was received, last year several votes for public works of urgent importance were struck out of the estimates to provide for it.

The state of the public roads has for some time been such as to cause universal complaint and to call for a committee of inquiry.

The Public Works Department has been reduced to such a state of inefficiency that it could not expend the votes of the Council, and a Select Committee of the Council has been called upon to report upon the system under which the votes for public works were expended. That report sufficiently proves the disorganization and disorder which have been caused by the parsimony of the last few years.

The police establishment is utterly inefficient, and it is questionable whether in its present state it does not rather promote than discourage crime. A committee has been appointed to investigate this department also.

The Colombo Academy and Queen's College have for the same reason declined from a high state of efficiency and usefulness to a condition such as reflects disgrace on the colony.

The Post Office has also had its committee of inquiry, but as yet there have been no apparent results. We have good reason to believe that in this as in the other departments the cause of decay is the parsimony which has characterised the whole of that policy which the Secretary of State seems to consider 'admirable' because it has supplied the fund by which he now proposes to relieve the Imperial exchequer.

Whatever opinion may be entertained of this 'admirable management' by Her Majesty's Government, it is universally condemned by those who are witnesses of its results, and it can truly be stated that there has not been for many years past any public measure so unanimously approved throughout the colony as the vote of censure on the policy of that period which by an unprecedented chance the unofficial members were able to pass in the present session of Council.

If, however, the state of our revenues were such that the Council could reasonably calculate upon a surplus of revenue recurring year by year, the first claim upon such surplus would be the remission of that extraordinary portion of our taxation which having been voluntarily undertaken for a specific purpose cannot in good faith or justice be levied any longer than it is required for that purpose. Until that remission has been made the revenue cannot justly be pledged for any new expenditure.

In considering the state of our finances and the amount of our revenues, it should be borne in mind that a very large proportion of the taxation of the colony is levied on the food of the people, and acts in direct discouragement of the cultivation of our staple product coffee, on which the export duty also presses heavily.

The fact that coffee has for some time been realizing extreme prices in the markets of the world, is the sole ground of our present prosperous condition. The same cause, however, which enables us for the time to maintain a state of prosperity, is stimulating the extended production of coffee in other countries, and we may therefore confidently expect a reduction in the value of our staple and consequent decrease of our financial resources.

On a fair and reasonable view of the financial condition of the colony, of its present requirements, and of its existing engagements, it would be highly improper to enter into any unnecessary pledges for the future. There is no reason to doubt the ability of the colony to meet all its engagements and to pay all necessary expenditure, civil and military, but we cannot see the propriety of voting so vast a sum as is now demanded before the investiga-

tion we have so long prayed for has taken place, more especially as the demand has been made under an evident misapprehension of the true state of the colony and its finances.

As members of your Honourable Council we have ever preferred our requests to Her Majesty's Government with loyalty, respect and submission, and have invariably accompanied them with the sincere expression of the willingness of the colony to pay whatever sums should be found, *after a full enquiry by the Council*, to be justly due for the military expenditure, and we feel disappointed and hurt by the tone and tenor of the Memorandum and Despatch of 26th September, and by the circumstance that in granting the inquiry the Secretary of State should have required us so to anticipate its results as to nullify its value.

That the Legislative Council is so constituted, and the obligation of its official members is such that it may become on this, as it has been on former occasions, a mere instrument in the hands of Her Majesty's Secretary of State, and that it may be made to pass measures which are repugnant to the convictions of the great majority of its members, are facts we have often deeply deplored, but never before so much as now that a question of such vital importance is to be brought to so unhappy an issue. The Colonial Legislature may, and no doubt will, lend its voice to pronounce the will of Her Majesty's Minister, and may thus give an ostensible sanction to the unprecedented claim now made upon our exchequer, but the violation of the right of the Council will not be made less real or conspicuous by the semblance of constitutional form.

In this juncture we believe we shall best serve the interests of the colony, discharge the duty we owe to the public and ourselves, and express our deep sense of the humiliation and injustice put upon the Legislative Council by relinquishing our places therein and leaving it to the servants of the Crown to assume the whole responsibility of carrying out an unjust and unconstitutional act!

Finally we shall be glad if your Honour will forward a copy of this letter to Her Majesty's Secretary of State for the colonies for his information.

We are, your honour's
obedient humble Servants,

C. A. LORENZ,
G. WALL,
W. THOMPSON,
J. CAMPER,
J. ALWIS,
J. EATON.

The course adopted by the unofficials was approved throughout the colony with striking unanimity: scarcely a single voice was raised against the propriety of the step taken. It was thought that the Government would

be forced into acquiescence with the policy advocated, as, without the unofficial members, the Council would not be properly constituted, and the money bills could not be passed. The Queen's Advocate, however, was equal to the crisis. He advised the acting Governor that as Her Majesty the Queen had appointed the members, only Her Majesty could accept their resignations. Until such resignation was accepted they were still members, and that if they did not choose to attend meetings of Council that would not render the meetings faulty so long as a quorum was present. General O'Brien accepted this advice, and the session was continued, as though nothing had happened, notices regarding the respective meetings and other papers being regularly sent to the gentlemen who had resigned.

Mr. Morgan's action in this matter rendered him not a little unpopular, and he, who had hitherto received from his countrymen and the island public generally, naught but good, high and well-deserved praise, was now the subject of much severe and unjust comment. How severe and unjustifiable comments in colonial newspapers can be only those know who have had experience of small communities in which there are race-questions to add bitterness to controversy. The Queen's Advocate, however, had fully thought out the subject, and believed he was acting only for the right in the advice he gave and in the action he pursued.

In May 1865, the despatch of the Secretary of State on the resignation of the non-official members was received. The resignations were accepted, and arguments were used to combat what was urged in the letter in which the unofficials announced their decision. As the case of the unofficials has been given, it is but right to quote the reply of the Secretary of State, which was in the following terms :—

DESPATCH OF THE SECRETARY OF STATE ON THE SUBJECT
OF THE RESIGNATION OF THE UNOFFICIAL MEMBERS.*Ceylon.
Separate.*DOWNING STREET,
27th March, 1865.

SIR,—I have to acknowledge the despatch of the officer administering the Government, No. 265, dated the 30th November last, reporting the withdrawal from the Legislative Council of the six unofficial members (of whose letter to him, stating their reasons for this step, he encloses a copy,) in consequence of the instructions given by Her Majesty's Government in reference to the military expenditure of the colony, and requesting instructions on the legal questions which had arisen, as to the validity of the resignations of these gentlemen as conveyed to him, which he had declined to accept, and as to the validity also of the ordinances passed on this and former occasions by a Legislative Council comprising the required quorum of six, but with vacancies in its full number of fifteen.

The legal questions at issue are disposed of by my despatch No. 71, of this date, and Her Majesty's Order in Council of the 9th instant transmitted with it.¹ I have now to add some observations on the letter referred to from the retiring members of Council. This letter may, I think, be conveniently divided as follows:—

(1.) It appears to maintain that every Colonial Minister for many years past has been acting in violation of an acknowledged right of the Legislative Council, by ordering payments from Ceylon revenue without consulting that Council.

This proposition turns upon an interpretation of a despatch of Lord Grey, which does not appear to me to be correct.

That despatch laid down the principle as one which it was desirable to adopt, and which I have proposed, on certain conditions, to establish. It does not admit an already existing practice, or an already established right.

(2.) That, for the same reason, the present attempt of Her Majesty's Government to stipulate conditions, before allowing the exercise of the right, is a violation of justice. To which there is the same answer. Conditions were stipulated, not for the exercise of an acknowledged right, but for the introduction of a practice which was acknowledged to be sound in principle: viz., appropriation by law instead of by despatch.

(3.) That the condition required by Her Majesty's Government is un-

(1) The despatch and order justified the action of the local Government, and declared that their legislation was proper and in due form. The Queen's Advocate's opinion that the resignations of the unofficial members, having proceeded from the Queen, could only be accepted by Her Majesty, was, I am informed, described as correct; but to make assurance doubly sure the order in Council legalised the measures passed by the 'maimed' Legislature. I have not been able to see the despatch and order, my absence from Ceylon, whilst this work was written and in course of publication, precluding my consultation of authorities on this and other moot points. Upon doubtful matters I have ventured a conjecture, founded upon circumstances and collateral evidence; this has been done in all cases where absolute proof was unattainable.—WM. D.

reasonable, inasmuch as it calls upon the Council, first to vote the full amount demanded by the Secretary of State, and gives them the liberty of inquiring afterwards what that demand should have been—a proposal which the retiring members consider to be unworthy and humiliating.

It is true that Her Majesty's Government have called for an increased contribution of thirty-five thousand pounds a year, or thereabouts, in anticipation of the enquiry. But it must be recollected under what circumstances this has been done. Her Majesty's Government had before them the resolution adopted by the committee of the House of Commons in 1861, which was also the undoubted view of the House at large, 'that the expense of the troops in Ceylon should be in a greater degree borne by the Colonial Treasury.' They also had before them the facts, on the one hand, that Parliament was voting money at the rate of one hundred thousand pounds a year, or not far from it, on Ceylon military accounts, by far the greater part of which expenditure would continue to be necessary for local requirements, after making every reduction to which enquiry could be at all expected to lead; and, on the other hand, that the colony was realizing, year after year, a surplus revenue to fully the amount thus annually voted by Parliament to the present time. Certainly Her Majesty's Government did not anticipate that their proposal would be esteemed otherwise than moderate, when they limited it, pending the institution of the enquiry, to the application of about a third part of the ascertained surplus, in relief of charges on the imperial exchequer of a far greater amount. There will still remain a large field for the enquiry which is to be conducted by Colonial in conjunction with Imperial authorities; while I need scarcely repeat that all future appropriations of revenue, whether to military or civil purposes, will rest upon ordinance of Council and not upon executive acts.¹

(4.) That Her Majesty's Government reserve to themselves liberty to entrust the promised enquiry to a commission, rather than to a committee of the Legislative Council.

I have to observe that Her Majesty's Government reserved the alternative, in order that the enquiry might take that form which, on further consideration, might appear most convenient, and most likely to give weight, in the colony and at Home, to the suggestions to result from it. You have been informed, by my Despatch No. 70 of this date, of the reasons which now lead Her Majesty's Government to prefer a commission.

(5.) That the Home Government reserve, in paragraph 33 of the Memorandum on Ceylon military expenditure, the very right to make future 'demands' on the colony which they had abandoned in paragraph 29.

(1) This promise was kept to the ear, but broken to the hope. Whilst Lord Carnarvon was Secretary of State for the Colonies—1874 to 1878—the hand of the colony in financial matters was forced more than once. The colony was committed to expenditure in the same way as the House of Commons was recently compelled to sanction Government arrangements in the matter of the conveyance of the Indian Expeditionary Force to Malta without leave being first asked for and obtained. When the members of the colonial legislature complained, they were told that an ordinance would be laid before them, providing for the expenditure. But their action was fettered, and the officials were compelled to vote against their judgment. A reference to the *Ceylon Hansard* for particulars of the debate on the Oresay Pension would show the manner in which Mr. Cardwell's successors kept this promise.—WM. D.

This is perhaps a misapprehension of the 'demands' meant in the paragraph referred to, which, of course, are demands for legislative votes or enactments—not demands for money without vote of the legislature (the practice to be given up.)

(6.) That the surplus of £100,000 a year relied on as justifying, among other reasons, the demand for increased contribution, is not a real surplus but merely the result of the late Governor's '*parsimonious policy*,' destroying the efficiency of the Public Departments and 'culpably neglecting Public Works.'

The Minute of the Executive Council annexed to the despatch under acknowledgment disposes sufficiently of the complaints made as to the departments particularly referred to by the retiring members. I have, however, some more general observations to make, looking at the total expenditure for civil establishments in Ceylon.

This expenditure in 1860, in the latter part of which year Sir C. MacCarthy assumed the Government previously held by Sir H. Ward, amounted to two hundred and forty-five thousand, three hundred and thirty-one pounds (£245,331.)

In 1863, the last year for which returns have reached this department, it stood at £246,581. The complaint to be met must therefore be, not that this class of expenditure has been reduced, but that it has not been increased. Now it appears that Sir H. Ward, towards the close of his government, viz., in the years 1858-9, made a very general, and, it will not, I think, be disputed, a liberal increase of civil establishment charges, raising the total expenditure on this head from £205,765, in 1858, to £245,331, as already stated in 1860. I understand that Sir C. MacCarthy considered that this large increase, at the present time scarcely five years old, ought to carry the colony on for some years without much further addition. I have no reason to question the soundness of that opinion, or to believe that the Ceylon public departments, as a whole, were conducted otherwise than very efficiently under Sir C. MacCarthy.

As regards the alleged neglect of Public Works, I may refer to the answer made by Sir C. MacCarthy in 1863, when the complaint of neglect of Public Works was made before, in a memorial from the Planters' Association. 'The large and unprecedented votes,' he says, 'which, owing to the elasticity of the revenue, and general prosperity of the country, I have been enabled to propose and carry for useful Public Works,' * * * 'form a sufficient reply to the insinuation,' * * * 'that there has been any stinting of expenditure on this head.' This is fully borne out by the present Minute of the Executive Council, who state that it will be seen, from returns which they annex, 'that the outlay on roads, and public works has been liberal and may almost be called excessive.' It is shown that upwards of half a million has been spent on public works in the four years, 1860 to 1863, (independent of the sums contributed from revenue to the Railway,) or about one-sixth of the total revenue collected, exclusive of the export duties, (set apart for the Railway.)

You will be aware that Major General O'Brien, while administering the Government, condemned strongly the state of repair of certain roads and buildings, in a collection of notes of a tour which he made public in the

colony. It is obvious that the state of this or that road or building cannot affect the question of the liberal character of the total appropriations of revenue to Public Works. It will, however, be your duty to enquire into the matters complained of by the Major-General with the officers of the Public Works Departments, from whom he has not, I believe, transmitted any report on the subject; and I have no doubt that you will be able to put any defective works into proper order, from the funds at your disposal.

On the above grounds, I adhere to the opinion expressed in the Colonial Office Memorandum of September last, that the actual rate of expenditure, whether for civil establishments or for Public Works, might be considered of a sufficient and liberal character with reference to the revenue obtained and the requirements of the colony; but you will recollect that the proposals of Her Majesty's Government left a considerable portion of the assumed surplus of £100,000 a year, viz., about £30,000 a year, available for any purposes to which the Local Government might desire to apply it,—as for instance, to increase of establishments, or of outlay on Public Works.

(7.) That if a surplus revenue is really available, it ought, 'in justice and good faith,' to be devoted to taking off the export duties (which chiefly fall on coffee) and not to military expenditure.

I am unable to find any ground for any complaint of injustice or 'breach of faith' on this head. It appears that the export duties were imposed in the year 1856, to enable the Local Government to give the required guarantee to the 'Ceylon Railway Company,' the then state of the revenue not admitting of this without some additional tax; and no particular duration was assigned to the duties, which were enacted as if permanently. In 1861, when the Company was paid off and the Railway recommenced as a Government work, a plan was proposed by a select committee of the Legislative Council (in a report signed by several unofficial members) and adopted by the Council, for providing the necessary funds, partly from the export duties, partly from an annual contribution of £25,000 from general revenue, and the rest by issue of debentures, which again were to be paid off by the year 1881, according to this plan, by continuing the export duties and annual contribution of £25,000 to that date. This plan the Legislative Council, in 1862, wished to modify, by reducing the annual contribution to £20,000, leaving the export duties and rest of the plan much as before.

My predecessor, the Duke of Newcastle, confirmed the plan as regarded the retention of the export duties, but proposed the substitution of a round sum from balances at once, and a somewhat larger annual contribution during construction, for the contribution of £20,000 a year, from first to last, proposed by the Council. This modified plan, which was assumed in the Memorandum as part of the data for calculating the surplus available for military expenditure, and which has been carried out by an ordinance of the Legislative Council received a short time since from Ceylon, involved the retention of the export duties to the year 1879. There has therefore been no retention of these duties proposed in connexion with the settlement of military expenditure, beyond what was considered reasonable by the committee of the Legislative Council of 1861; and whatever charge has been directed, by instructions from Her Majesty's Government, in the apportionment of the burden of the railway enterprise, made by that committee,

between the export duties, falling chiefly on the Coffee Planters, who will benefit more than any other class by the railway, and the general revenue, has clearly amounted to a transfer of some part of the burden to the latter. If it was deliberately decided in 1861, that the Coffee Planters could be fairly called on to bear the duties till 1881, as their special contribution to a work by which they will be specially benefited, I see nothing in the fact of a general surplus of revenue having been since realized, to make it unfair to adhere to that apportionment of the burden.

I have only further to observe that it was open to the retiring Councillors to have urged in the Council the various arguments which they have put forward in their letter. Their opinions would have been considered with the respect they would have deserved, and a discussion in Council would either have established, on all points, the justice of the proposals contained in the Memorandum, or would have suggested to Her Majesty's Government any reasonable alterations in them. Her Majesty has been advised to accede to their wish to leave the Council, and their names are accordingly not re-inserted in the Royal Instructions addressed to you on your appointment to the Government of the colony. You are authorised to give the present despatch any publicity which you may think desirable.

I have, &c.,

(Signed) E. CARDWELL.

Governor Sir H. ROBINSON,
&c. &c. &c.

Meantime opinion in the island had been growing, and it was finally resolved to establish a Ceylon League,¹ the

(1) Ceylon readers will be interested in the following extract from the list of subscribers to the League Fund:—

Original League Subscription List.

	£.	s.	d.		£.	s.	d.
George Wall ...	25	0	0	G. W. Rudd ..	10	0	0
C. A. Lorenz ...	25	0	0	C. Tatham ...	10	0	0
Wm. Thompson ..	25	0	0	W. Carry ..	2	2	0
J. Capper ...	25	0	0	L. Joseph ...	1	1	0
J. Alwis ...	25	0	0	A. R. Dundas ...	5	0	0
J. T. White ...	10	0	0	George Hudson ..	1	1	0
Binny Scott ..	10	0	0	E. Jeffries ..	5	0	0
C. L. Ferdinands ..	10	0	0	James Irvine ..	5	0	0
H. O. Buchanan ..	10	0	0	M. P. Schmidt ...	10	0	0
W. Rose ..	10	0	0	A. H. Fryer ...	1	1	0
G. L. Williams ..	5	0	0	E. Nanny Tamby ..	25	0	0
W. W. Mitchell ..	10	0	0	F. W. Willisford ..	2	0	0
R. Crowe ...	10	0	0	Charles Byrde ...	2	0	0
J. S. Armitage ...	25	0	0	Ossen Lebbo Maricar ..	10	10	0
F. H. Kelson ..	10	0	0	Cowasjee Eduljee ..	15	0	0
S. T. Richmond ..	10	0	0	Philip Perera ..	10	10	0
F. Mackwood ...	10	0	0	Framjee Bikajee ..	10	10	0
A. M. Ferguson ..	5	0	0	P. DeSaram ...	1	1	0
H. T. Armitage ..	20	0	0	Keppel Jones ..	2	2	0
J. P. Green ...	10	0	0	W. Rollo ...	2	0	0
Donald MacGregor ..	5	0	0	J. G. Jayatilleke ..	4	4	0
John Lamb ...	5	0	0	J. Robeira ...	3	3	0

chief object of which should be strive to secure an equality of votes in Council. The unofficial members issued a manifesto, in which they said:—‘The organs of public opinion in the colony unanimously approved of the conduct of the unofficial members. Public meetings were held for that purpose, and memorials from all parts of the colony were sent to the Secretary of State, praying that the royal assent might be withheld, and the bill kept in abeyance, until the result of the inquiry should be known. It was hoped, even at that late stage of the proceeding, that, when Her Majesty’s Government should

	£.	s.	d.		£.	s.	d.
D. C. Amarasinghe ..	3	3	0	W. Murray ..	1	0	0
J. H. Tennekoon ..	4	4	0	James Bennison ..	1	0	0
J. M. L. Moonamall ..	3	3	0	D. MacGregor ..	1	0	0
J. A. Forbes ..	3	3	0	D. J. MacGregor ..	1	0	0
F. Wingate ..	2	2	0	F. P. Murray ..	1	0	0
W. W. Wynn ..	2	2	0	G. M. Skelton ..	1	0	0
T. Hayley ..	5	0	0	W. Northway ..	2	0	0
W. Bisset ..	2	0	0	C. W. Vanderwall ..	2	0	0
J. White ..	2	0	0	Edward Orr ..	2	0	0
E. M. Rossiter ..	2	0	0	H. F. Stephen ..	1	0	0
T. Hudson ..	10	0	0	T. W. Francke ..	1	0	0
B. Grindrod ..	5	0	0	R. L. Vauburen ..	1	0	0
J. S. Findlay ..	3	3	0	G. Heppenstall ..	1	0	0
F. S. Thomasz ..	5	5	0	S. Fonseka ..	1	0	0
A. A. Mortimer ..	20	0	0	P. Daniel ..	1	0	0
B. Dodsworth ..	10	0	0	G. A. Dharmaratna ..	1	0	0
Thomas Gray ..	3	0	0	C. Jayasinghe ..	1	0	0
J. Northway ..	5	0	0	A. De Alwis ..	0	10	0
W. Davidson ..	2	2	0	J. F. Giffenus ..	0	10	0
W. A. Swann ..	3	0	0	P. D. Millie ..	5	0	0
A. Grant ..	2	0	0	W. A. Lyford ..	0	10	0
P. Macrae ..	2	10	0	R. D. David ..	0	5	0
F. Mackelvie ..	2	0	0	A. Fraser ..	2	0	0
F. Palmer ..	1	0	0	S. Fielder ..	1	0	0
James Grant ..	1	0	0	F. W. Horsford ..	2	2	0
James Anton ..	1	0	0	T. Naughten ..	1	0	0
Charles Moir ..	2	0	0	E. G. Loperly ..	2	0	0
W. Ross ..	2	0	0	J. S. Alston ..	2	2	0
John Baker ..	2	0	0	A. H. Baillie ..	2	2	0
R. Dawson ..	10	0	0	Channing Esdaile ..	2	2	0
J. A. Bell ..	5	0	0	John Reed ..	1	1	0
N. Cooke ..	2	2	0	James Mitchell ..	1	1	0
C. E. Corea ..	2	2	0	E. Holland ..	2	2	0
P. Jayawardene ..	2	2	0	C. H. Alston ..	2	2	0
C. Jayawardene ..	2	2	0	R. W. Jenkins ..	2	2	0
James Ball ..	1	1	0	A. Davidson ..	2	2	0
D. D. Dabrew ..	1	1	0				
H. Dabrew ..	0	10	6				
A. Sinclair ..	1	0	0				
A. C. Imlah ..	1	0	0				

have learned the unanimous feeling of the colonists, and have been informed of the condition of the public works and departments, they might have paused before giving full effect to the extreme measure they had taken. The answer to the loyal addresses and earnest petition of the public, has but just reached the colony, in the form of a despatch, which not only announces the ratification of the obnoxious bill, but, as if to make the defiance of public opinion more marked, an order in Council is therein promulgated to legalize the act of the official members, and to give them power to enact measures in future, wholly irrespective of the unofficial element.

‘How striking the contrast between this conduct and that of Lord Grey in 1848! That nobleman, on the representation of a single unofficial member of the Council, admitted the right of the colony to vote its own supplies, and immediately established the practice, as regarded the civil expenditure, promising the same control over the military votes so soon as an inquiry should have determined certain essential matters in reference thereto. His successor, appealed to by not one member alone, but by a unanimous Council and public, in repeated prayers, did not deign an acknowledgment for several years, and when he did reply, it was only to deny the exercise of a right which he admitted they possessed. The right of the Council was equally admitted by both Ministers, but it was put in force by the one and violated by the other. The one established the practice of voting the supplies by the Council, the other set the example of over-ruling those votes, and of legalizing the proceedings of a defective and irregular Council.’

Speaking of the Home Government, they continued:—
‘They regard the colonies as unprofitable and burdensome, and treat them accordingly. They are intent only on what they can exact from them, and if we are to obtain justice, it must be by reliance on ourselves. Even in Parliament

it would seem that a complaint from a colony has little chance of attracting attention, unless it could be made subservient to some party movement. Even in that quarter, we can secure a hearing only by persevering agitation, and by advocating our own cause.'

They proceeded :—'Henceforth, we must trust to ourselves. Our hope is in agitation, a never-failing agency which has prevailed wherever it has been constitutionally and perseveringly applied. We have tried every available means of obtaining justice, and, though we have asked for nothing but what it is admitted we ought to have, and what has been actually promised, our representations to Her Majesty's Ministers, our appeals to the mother-country, and our addresses to the throne, have been in vain, and we have been not only disappointed, but wronged.'

Further on in their manifesto they said :—'The time has thus arrived, when the 'colony must either defend its rights or become unworthy to enjoy them. If we endure in silence and supineness the treatment we have lately experienced from the authorities, both here and at home, we shall deserve the degradation to which we have been subjected, and such further humiliations as may be imposed upon us. Every one who is alive to the importance of the present crisis, and who has energy and independence to act for himself, however deeply he may be engaged in his own avocations, should unite to agitate for a Council such as could not be compelled to reverse its own acts and pass measures repugnant to the opinions and principles of its members.

'The public, no longer represented in Council, having no more hope in appeals to the Home Government, suffering from severe inflictions, and sensible of serious encroachments on their rights, must now unite to have themselves represented ; and they must organize a constitutional resistance to the invasion of their privileges

and a defence of their rights. It is proposed, for this end, to form a political League, to watch the proceedings of the newly-constituted Council, and the Military Commission, and to agitate for such measures as may be deemed essential to the security of the constitutional rights of the colony.

‘It is proposed that the business of the League should be carried on by a central Council in Colombo, and committees throughout the country. Eventually, an agency in London may also be established, and a machinery will thus be organized for systematic agitation. One of the first objects contemplated is the publication of the proceedings on the military question, with all the documents relating thereto, for distribution to members of Parliament and persons of influence in Britain and her colonies. The inefficiency of the Government departments, and the grievances of the public, will be effectually exposed in such a manner as to attract attention and challenge inquiry. To carry on the business of the League, and to give publicity to their proceedings, there will necessarily be some expense; and consequently an annual subscription will have to be paid by the members, the amount of which will have to be determined hereafter.

‘To the League we pledge ourselves, and we confidently hope that it will comprise all those public bodies who represent the capital and enterprise of the country, and every loyal individual who loves liberty and respects himself.’

Once established the League worked vigorously, held meetings, and formed branches in the smaller towns, and prepared, through a Committee in London, for a campaign in the House of Commons. Meanwhile a new Governor had been nominated,—Sir Hercules G. R. Robinson, Governor of Hong-Kong.

The versatile genius of Mr. Lorenz has left on record interesting reminiscences of this period. In a little

volume—enriched with clever thumbnail sketches of the members of Council—entitled ‘The Christmas Debates’ of the island of Ceylon, from the time of the earliest records extant down to the present period; with numerous sketches of the principal speakers, songsters, and silent members: published by authority,’ he makes frequent reference to the action of the unofficial members. When the time came for the sitting of Christmas Eve 1864 to

(1) The following is an exact copy of the preface :—

. P R E F A C E .



ANNO 29 ET 30. VICT. C. I.

An Act to amend and consolidate the Christmas Debates of the Island of Ceylon, from the earliest period to the present time.

Whereas it has been very wisely suggested that the Christmas Debates of Ceylon should no longer remain buried in the obscurity of ancient files of Colonial Newspapers; and that the present is the most appropriate season for republishing them: **IT IS THEREFORE ENACTED** by the Editor of the *Examiner*, by and with the consent of his Executive Council, as follows:

- | | |
|------------------|---|
| Short Title. | 1. THIS ACT may be cited for all purposes, as “The Act of 1866.” |
| Commencement. | 2. THIS ACT shall come into operation on Saturday, the twenty-second day of December 1866, at 3 o'clock in the afternoon. |
| Publication. | 3. THIS ACT shall and may be published and sold by JOHN MAITLAND & Co. of Chatham Street, Colombo, at or for the price of Ten Shillings and Six Pence for each copy. And every person pretending or presuming to offer a smaller sum for the same, or claiming the benefit of a presentation-copy, shall be liable to a penalty of One Pound (of Tartar Emetic,—to be drunk on the premises.) |
| Enacting Clause. | 4. THE Debates in the Schedule (A) hereunto annexed, are, and they are hereby declared to be, The Christmas Debates of Ceylon; anything in the Roman-Dutch Laws, the Kandyan Customs or The Mahomedan Code to the contrary notwithstanding. |
| Illustrations. | 5. THE Illustrations annexed to the said several Debates shall be deemed and construed to represent the person or persons, whom they are intended to represent, and no other. |

By Order of the Editor,

FRANCIS FONSEKA,

Printer.

begin, the Clerk of the Council refused to proceed with the reading of the Minutes. 'He would not read a single line,' he said, 'until the Council was properly constituted.' 'Six members,' he added, 'had recently resigned; and it was preposterous to call this a Council.'

The veracious record proceeds:—

'The President said if that were all, the defect could be remedied at once. He had invited the six gentlemen to be present, and they had promised to come, though under protest, and on condition that the colony should pay for the champagne, and that the songs should be printed at the public expense.

'About this time a loud noise was heard downstairs, a great rattling of steps, and loud laughter. Several voices seemed to be in altercation:—"You go in first,"—"Not I,"—"Shove him from behind," &c. The voices ceased, and the loud ring of a rupee falling on the ground was heard. Evidently the gentlemen below were tossing up, and the lot fell on Mr. Wall.

'Mr. Wall was heard to say to the others,—“Now then, my boys, if you should see me hesitate, or likely to turn round and run away, hold me tight, and don't let me.”

'The officials all rose as the six members entered. Mr. Thompson said he wished them all good evening, and hoped they were pretty middling. The Colonial Secretary, speaking on behalf of the Government, said they were all pretty well, considering. Mr. Thompson said he was very glad indeed to hear it. The Clerk of Council here said that he was ready to read the Minutes. All the unofficials voted against the Minutes being read.'

In the course of the debates that succeeded and after several clever songs had been sung, the following ingenious parody of an idyll of Tennyson's was produced. The 'extract from the poem' was read by the Clerk of the Council, and was supposed to have been written by the Auditor-General, Mr. Pennefather.

—When I exclaimed
 ‘Lorenz, of all men, *you* resign the Council!’
 He, shaking his large head pathetically,
 Repeated, muttering—‘Council, council, council’—
 Again in dreamy whispers—‘Council, council, council.’
 But Lorenz yearned to see us all again;
 ‘If I might look on their dear forms again,
 And make a few more sketches!’ So the thought
 Haunted and bothered him, and drove him forth,
 At half past one o’clock one Wednesday,
 Round by the Civil Medical Officer’s office,
 Beneath the stairs, where we sit legislating.
 Thence he looked up, hiding behind a pillar,
 His dizzy head against its polished surface.
 There did a thousand memories roll upon him.
 Unspeakable for sadness—

(Loud cries of ‘No, no,’ from Mr. Lorenz; and the
 Collector of Customs, who was fast asleep, suddenly
 jumped up. The Clerk, however, proceeded:)

—By and bye,
 The ruddy sheet of unused blotting-paper,
 Laid flat upon the semi-circular table,
 Allured him, as some half-seen rock
 Allures the Steamer *Pearl*, until she madly strikes
 Against it, and destroys a couple of passengers.
 The Council-chamber fronted on the street,
 The tallest house in King Street; and behind,
 By one steep passage leading gently onward
 Into a garden near the Printing office;
 And in it throve a sickly *Casuarina*,
 A *Poinciana Regia*, and a Jack,
 And underneath the trees were rows of pots,
 Which held a few decaying *Heliotropes*,
 A recent gift of William Ferguson’s.
 But Lorenz shunned the pots, and boldly climb’d
 Up by the wall, behind the Jack-tree. Thence
 That which he might have shunned, if love of Art
 Had not compelled him, Lorenz saw.
 For pen and ink and paper lay o’ the table,
 And Rules and Regulations: Instructions too,
 And several sets of Ordinances.
 And on the left hand of the Chairman sat
 Gibson, the ‘honorable friend’ of times gone-by,
 Stout, hearty, with huge rolls of double-chin;
 And next to him his chief Crown-Law Adviser,
 A shorter but a more developed Corporation;
 And from his hand dangled a length of ribbon
 Rosy-red, wherewith they bound the colony.

Further, on either side the chair, he saw
 The ancient Treasurer and the Auditor,
 Also the Agent of the Central Province,
 And then the Agent of the Western Province,
 Likewise the Customs and Surveyor-General.
 Now when th' ex-member, slyly peeping, saw
 His chair his chair no more, but homely empty,
 And all the other unofficial chairs deserted,—
 And saw with bodily eyes the frightful coolness
 Of nine officials legislating in their absence,
 And him, the General, sitting in the chair,
 Serenely putting questions to the vote;
 Then he, though he had read the local papers —
 Because a comedy soon affects a nation
 Than comedies read in books — he instantly
 Felt staggered; and, holding his hand to his forehead
 To send abroad a terrible shout of laughter,
 Which, in one moment, like the blast of doom,
 Would send the Clerk of Council up a gun-fire
 He, therefore, turning softly, like a thief,
 Lest the hush pen should grate upon the paper,
 And taking a piece of tools up from his pocket,
 Designed a sketch, and drew and shaded it,
 And sent it to the chief Crown-Law Adviser.
 But some maintain the sketch was Vandort's.

During the years under review events were proceeding quietly and comfortably as respects Mr. Morgan's personal affairs: a large private practice added to the emoluments of the Queen's Advocate's office serving to lift him above pressing cares and to provide for the heavy expenditure entailed by the education of two sons in England.

CHAPTER VIII.

EVENTFUL YEARS : EXCITING POLITICAL AND SOCIAL EXPERIENCES.

1865—1866.

IN 1865, Sir Hercules Robinson became Governor of Ceylon. He landed in the island early in the year, and spent a great part of the time prior to the opening of the session of the Legislative Council in September, in travelling about the island and making himself acquainted with its wants. Sir Hercules had a difficult task before him, as the League had been already formed and was determined upon earnest agitation. At this time, nearly all the ability in the colony outside official ranks were on the League's membership. Notwithstanding, however, the general desire expressed for a reformed Council, the Governor did not find it impossible to induce six gentlemen representing four different races to occupy the vacant seats in Council. The Queen's Advocate, in whom Sir Hercules Robinson reposed great confidence from the moment he was introduced to him, had much to say about the selection of the names of gentlemen who were eventually nominated to the Council.

The session of 1865 was noteworthy in many respects, and, in the proceedings recorded, the Queen's Advocate took an important part. A reference to Mr. Morgan's share in the legislation of the succeeding years will be found in the particulars given later on of the measures introduced by him during his fifteen years' possession of high legislative office. Meanwhile the following passage, dated Friday, January 5th, 1866, may be quoted:—'The

Legislative Council closed to-day. I feel all the freshness of feeling which I experienced when a boy at the breaking-up day in school. The work was heavy, the sense of responsibility with the new Governor and a new Council great, and I felt sorely borne down more than once. But I am thankful to say that I have had strength and ability given me to do my work to the satisfaction, I trust, of the Governor and the public. The session has been an eventful one. Several important measures have been passed. May the result be satisfactory.'

Among Mr. Morgan's letters of that year is the following to the Governor, dated 16th December, 1865 :—' Your Excellency has doubtless read the article in the *Observer* on the report of the sub-committee on the Postal Act. Apart from the motives imputed to us, we are therein charged with having propounded an unconstitutional doctrine when we expressed our opinion that, if the inconsistency as respects the rates upon books from England and books sent from one part of the island to the other must be put an end to, we would rather that the former was increased than that any reduction should be made in the latter. But the editor is quite wrong in his position. We cannot, it is true, alter English rates; those for instance, to Galle, but we can impose any rates we please from Galle to other parts of this island, and that is all the report meant to say and does say.

• 'The 41st clause of the ordinance bears on this point. It provides that admiralty packets should be delivered free at the ports of call of the steamers. Thence to Trincomalie or elsewhere they must pay local postage. A correspondence took place some time ago between Commodore Montresor and the Post Master General, which was referred to the Post Master General in England, who decided against the Commodore and in the spirit of the 41st clause.

'Your Excellency will excuse me for troubling you with this, but I feel it necessary to explain the fact as

the observation referred to may otherwise convey an erroneous impression.'

A good deal of interest was taken in the Municipalities Ordinance by which corporations (partly elective, and nominated to the remaining extent) were provided for the towns of Colombo, Kandy, and Galle, which measure was passed during the session of 1865. Fifteen years previously such a measure of self-government as is involved in these institutions was offered to the island, but rejected. Now it was accepted with much eagerness, and there were not wanting energetic reformers who saw in this ordinance the stepping-stone to privileges in regard to a Council of greater importance than a municipal assembly. In his diary for January 1866, Mr. Morgan has left a description of the first municipal elections in the colony. He wrote as follows:—

'11th January, Thursday.—Busy with synod letter which I completed and took to Mr. Gibson about 4. He approved of it. The excitement was great touching elections. G. A. told me that L. and myself came in for no end of abuse for advocating C.'s cause. One (he would give no name) charitably prophesied that I should be dead before the year is out. May he himself be spared long to see his prophecy falsified. It is a pity that the burghers should carry class feeling so far. I think C. a better man than V. for the native interest. The burghers are predominant in the Pettah and should be duly represented, and there are already four burghers, or rather will be, besides V. C. is bad as respects English, but his general information is great and his wealth, position and influence among natives, supreme.

'12th January, Friday.—Election at Colpetty and Slave Island went off quietly, C. F. and Dr. W. having been elected for the places respectively. The Fort place was contested for. I did not wish to attend it, but kept myself within reach at the Colonial Secretary's Office if L. should

want me. It went off with very great spirit, and V. was elected. The cheering was tremendous. The votes for L. 49, for A. 39. The military formed the majority of A.'s voters. After election, I returned to the office and replied to several letters from the Colonial Secretary.

'About 5 p.m. an open air meeting was held in the Supreme Court yard in favour of J. A., L., H. D., C. F., and others addressed the voters.'

'13th January.—Attended office and worked till late on reports in Elliott's cases. Was informed that the Pettah election was proving a very stormy affair. I trust C. will be elected. St. Sebastian returned F. de S. Sea street was also severely contested for between E. D. and T. Went to congratulate the winner, T.

'14th January.—No church to-day. Heard of V. being elected for the Pettah by majority of 69. T. also elected as against E. D. T. called and was full of the election. N. called also to relate result of election.

'15th January.—Exciting elections. Attended Cotan-nchina held in St. Thomas' school. It included Mutwal, and L. had offered himself as candidate. C. P. had got up arches and other decorations. The band of the 25th Regiment was in attendance. C. was to propose L., but it was found that his name was not on the list. So I proposed him, saying a few words to indicate that he was the man and none better. C. P. seconded, and the motion was unanimously carried. The band struck up, and L. made a very neat speech. In the afternoon was the election at the railway terminus. A. was for St. Sebastian, Ellepattoo having retired. A. assured the electors that having examined the list, he was satisfied that he was the best man for the post! He went, with a flag, driven by V. and harangued the crowd at his house in a very self-gratulatory speech,—so I heard,—and at night walked in a ridiculous procession with fiddles and tom-tom, shouting at and for himself! L. was elected for Marandahn

against M. The latter would have been better, as (1), it was desirable to secure more Europeans in the Council; (2), the mercantile interest was not represented; and (3), there are too many lawyers in the Council and too many burghers. L. is, however, a good man.

'16th January.—I am getting anxious as to my health. Last Saturday I felt a sudden shooting pain on the left side of my head, which continued for about half an hour. On Monday as I was proposing L., I felt the same sensation, and it went off in about an hour. Yesterday morning it came on again, and lasted the whole day, shifting latterly to the back of the head. Must consult Anthonisz when he goes with me to Maplegam.'

Mr. Morgan experienced in full measure that sorest of all trials to parents in the East who wish to give their children the advantages of English education, viz., separation at the most impressible period of life. His second son Owen was sent to England in the middle of 1865, and thenceforward, for seven years mail-day became an increasingly important feature in the father's life. No mail steamer was allowed to leave without carrying letters to his boys, letters full of wise counsel and pleasing humour. In no aspect of his character does Mr. Morgan shew better than in his treatment of his sons, as evinced in the letters which he wrote to them—letters which have been preserved. The anxiety and love manifested in the following communications will not need pointing out:—

'17th July, 1865.—I wrote a long letter to you on the 11th, which was the advertised day of the French mail. But I was grieved to learn next day that the steamer would not wait for the Colombo letters. You will probably receive that letter by the mail which brings you this, and, as I do not wish to tire you with long epistles when you must be fresh to London, and hardly recovered from the wonders of that mighty city, I will write a shorter letter to-day.

' You cannot imagine, my dear boy, in what a state of anxiety we are touching you. It seems a long time since you left us, and we have not yet received any intelligence touching you. The French steamer arrived last Wednesday and I telegraphed to Galle to ascertain whether she had seen the *Golconda*. No, she had not. When we went to England in 1858, we left Ceylon on the evening of the 19th and reached Aden on the night of the 29th. According to that calculation you should have reached Aden on the 15th (yesterday), and we sat wondering what you would be doing in that desolate-looking country. I hope you have enjoyed yourself there my boy—and that long ere you reached the 'Portus Romanis,' you would have got over your sea-sickness and have become a good sailor.

' The house is still terribly desolate without you.' J. has taken your place at table on my right, but I often turn to it suddenly expecting to see the loved form that occupied it before. So when we get up, do we turn involuntarily towards the couch on which you slept, and if we turn to the other side, we see Chancellor wagging his tail and looking about anxiously for his young master. Oh! my dear Owen, if you but knew how anxiously your parents think of you and long for you, you will then feel seriously the responsibility which is yours, viz., to try to profit by the advantages which are now placed within your reach so as to prove equal to the expectations we cherish regarding you. Recollect, that you have already wasted much valuable time, and that you have not made so much progress in your studies as you might have made, that you will have to work hard to make up for time mis-spent. Try by every means in your power to gain mental improvement, and whilst you do so, do not neglect your physical improvement. Attend carefully to all that concerns your health, and see that nothing injures it. Avoid exposure to the cold; get over your repugnance to flannel and woollen stockings, for they are indispensable in a

cold country. But, above all things, attend most to your spiritual improvement. Keep your heart pure and be meek ; always aim at that which is reasonable and just, and lovely and of good report ; pray to God to give you a new heart, to deliver you from temptation, to enable you to avoid sin, and to love Him with all your heart and mind and soul and strength and to love your neighbours as yourself. Make prayer your great guard and comfort. In everything, small and great, seek God's blessing by prayer, and if you do so with a proper mind, God will surely give all that is good for you ; study the Scriptures daily, for they can make you wise unto salvation. Your mother and sisters are writing to you, and they will give you all the news of the place so that I will say no more, my dearest boy, than that we pray God daily for your good. May He bless you.'

'30th July 1865.—It is twenty-five days to-day since you left us and we have yet no tidings of you. I expected a telegram from Bombay on the arrival of the Bombay steamer, but none has yet come. All this is trying and would distress us did we not feel that our dear boy is under the care of Him without whose knowledge not a sparrow falleth to the ground, and who will take care of him and protect him and lead him on safely to his destination. I trust that this is also your comfort, my son, and we cannot be too thankful that we have such a rich source of comfort to look to. Parting with those dear to one is painful ; it would be ten thousand times more so but for our having His promise, who hath said that He careth for the sparrows and will much more care for us :—the very thought that parent and child, though far away from each other, are still under the kindly care of the same Almighty Being, that, though they cannot see each other, they can both look to the same God and, in holding communion with Him, seem to hold communion with each other, is full of joy. Let our absence

then, my dear boy, be the means of drawing us nearer and nearer to God. Thanks be to Him, we have our girls near us, and we are surrounded with comforts; but our best treasures are away from us, and most true it is that where our treasure is there will the heart be also. How wretched should we feel if we were not comforted from on high, and if we did not believe, as we do, that the same All-seeing eye watches our treasures and ourselves and that He will, in His own good time, bring us together in happiness and love. Again and again, my dear Owen, I entreat of you to make religion your chief care. God says to you, "My son, give me thy heart." Give it to Him while the freshness of life is yours, devote yourself entirely to His service, and rest assured that by doing so, you will secure to yourself happiness here and happiness hereafter.

'The house is still very dull without you, and I have over and over again, when I wanted a book or paper, been on the point of calling out "Owen," but presently I feel that dear Owen is too far away to hear me. Chancellor, I am sure, still thinks of his young master, for he whines piteously in the morning first thing as he comes up to me wagging his tail, and all but saying, "Where, oh! where is he?" He sleeps still in our room, but for the last day or two he lies on the entrance from your mother's dressing-room to the bed-room; he seems to like the cold cement of the floor, for the mat does not reach that place. King, Pearl, Tray, Jeddo, Emeu and Blacky are well, but Robert is ill and growing thin. The horses are all well; we are trying to train the donkeys the Chilaw Moorman brought for you to go and fetch ice every morning. Josie is attending to the poultry regularly, and we get fine fresh eggs every morning for breakfast, not so large, though, perhaps, fresher than any you get where you are. I wrote to Shanghai and Australia for two dozen of fowls, so that we are likely to have a large collection of rare poultry by

the time you return. The Hendella bungalow is nearly finished, and it will be painted to-morrow. When we hear of your safe arrival, we will get up a house warming there. I have named it "Alibi Lodge," as I mean to go to it whenever I want to establish an alibi and steal a holiday. We have not been to Gumbatille since you left: although I mean to do so one of these days. I have given C. notice to quit as he is of no use; he does not seem to take care of the place. I shall give David's brother charge of it.

'The servants are all well. J. is sorry we did not send him with you, but I think we did right. It was time that you should have commenced to work for yourself, and the steward would have been sufficient for any little thing in which you wanted aid. Bob has some of your old shirts and coats, and he sports one every day—seems quite proud of them, particularly of the pineapple fibre coat which he looks upon as silk. If you can get the cheap photographs for which they used to charge a few pence, send one to each of the servants; they will be glad of it.

'We are all very well. * * * I am afraid that you were not allowed to land at Aden and Malta, and that you would be hurried through Egypt, as we see in the papers that there is cholera in all these places. I trust you will tell us in your letters who among the passengers were kind to you, and how the steward behaved, and what you gave him, and how long you suffered from sea-sickness, and how you enjoyed the voyage? In fact a perfect diary as you kindly promised me in which everything is recorded from day to day. Do so, even after you reach England. I asked Richard and the girls to follow this plan when they first went; they promised but did not keep their promise. Let me see how you will act.

'I am busy preparing the ordinances for the next

session,—amongst others, a Municipality ordinance by which I hope to have Colombo made a pretty town, lighted with gas, supplied with springs and fountains and gardens and squares and parks. I will send you a copy of the ordinance. Do you want any of the Blue Books or Civil Lists? I am afraid you will not have much time to attend to them or to make establishments and apportion salaries as you used to do. I hope you will make a good use of your time, and study hard, so that you may come out soon to carry out the grand schemes of improvement which you used to project.'

The Municipal ordinance has done much for Colombo, but, alas! it has not yet made of the city the thing of beauty shadowed forth in the above letter. A few months later, Owen having been disappointed at some of the English cities, and having expressed his disappointment in the emphatic language of youth, his father retorted 'Perhaps, when you return you will call Colombo a nasty hole. By that time, however, the Municipality will be in good working order, the streets will be better lighted than London, and we shall have our parks and promenades and gardens.' The father had all the desire of the Scotch matron whose chief desire was that one of her sons should 'wag his paw in the poolpit.' In one letter to his son Owen, Mr. Morgan says:—'Will you let me again, my dear boy, allow me to express my hope that you may yet return to your "first love," and follow the profession which you seemed bent upon when very young? I am afraid you are beginning to yearn after the flesh pots of Egypt, 'Merchants,' 'Engineers,' 'President of Prince Albert Town,' 'Indian Civil Service,' they are all nothing to the noble profession of preaching the Gospel. Following it, you will be best able to fulfil the main object of life, promote God's glory here and the good of your fellow men. There are few things I desire more than to see one of my sons chaplain of Trinity before I die and to sit under his

ministry. Then indeed shall I feel that I can "depart in peace."

Another letter trusts that 'by February next the Tories will be defeated and Gladstone at the head of affairs.' As has been already stated, 'Mind you spend 7s. 6d. in illuminations when this takes place,' is the counsel given to his son by the Radical who was chief Law Adviser to the Crown in Ceylon.

The year 1866 was an interesting one in Mr. Morgan's life, marked by many important events, the narrative of which is the history of the colony. The voluminous diary kept during that and several successive years, furnishes much that is interesting and of value.

'22nd January.—Went late to office and was busy the whole day with the answer in the Admiralty case. Heard of further jobs contemplated by the Municipal Council. The sanitary sub-committee recommended that the sanitary officer should get £800 a year without, or £400 with, private practice,—more than the Principal Civil Medical Officer for the whole island. And that the roads officer should get £600, 50 per cent. more than the sum the Government now pay for the very work. Then there is my friend G. longing to get the Secretaryship with £500 a year! What a nest of corruption the Municipality is likely to prove!

'24th January.—Left by the morning coach for Galle. Mr. P. spoke strongly of the evil done in the reckless advantage taken of the Partition Ordinance of 1844, by setting co-heirs against each other, buying the share of one and insisting on sale of the whole, &c.¹ The consequence is that, whereas the mission station at B. was surrounded with natives owning small holdings, peacefully cultivating their lands and pursuing earnestness

(1) The same results which followed the introduction of a similar Act in Ireland, after the famine, as described by Mr. A. M. Sullivan, M.P., in his 'New Ireland' were characteristic of the Partition Ordinance in Ceylon.

of industry, now they are driven away from their native soil, weaned from peaceful pursuits, and fast becoming demoralized in every respect. This confirms the view I always took against the introduction of primogeniture and the compulsory or legal discouragement of partition. If the happiness of the people be the object for us to strive at, that happiness is not attained by the course indicated.'

'25th January.—Letters from Home this morning tell me that a telegram from John Whittard announces the death of Allan Driberg at Cheltenham on the 14th January, after a few days illness from an attack of inflammation of the lungs. Poor afflicted mother, her cup is full even to overflowing! God alone can console her; may she fly to him for solace, and may a merciful Providence enable her to see a smiling countenance behind a frowning face. This affliction comes home to us. Owen went with Allan, both in good health and promise. One has been taken and the other left. The choice of the destroying angel might have been one of agony to us, but the Father of all mercies has averted the blow from our heads. Let Owen and we take care that it is not to cumber the ground that we are spared.'

'26th January.—We left for Baddegamma after four and did not reach it till about eight. A. and F. V. accompanied me. We found the rest-house nicely prepared for us with white old decoration, &c., and, what was better still, a capital dinner from de V. We left about two and went on to Nagodde, where a Singhalese man (a retired process server) had prepared a nice tiffin for us. We left in half an hour and reached the village of Maplegam shortly. At the limits of the village Singhalese music and men in grotesque dresses were waiting to welcome us; they continued their execrable music along the towing path till within three miles of our destination when we got out of the boat and walked. Enjoyed our village walk

much through this densely populated, highly cultivated village, and got to the Vedahn Aratchy's house prepared for our reception by seven. Dined and retired early to rest.'

'27th January.—Up early, and walked about the grounds. Admired sun rise view of the hay-cock. Conceived project of colonizing some 1,000 acres of land at Hiniduwa, with small holdings of 25 acres each granted to young burghers willing to emigrate thither and establish small farms. Great thing to wean them from their quill-driving propensity and encourage love for agricultural pursuits. Anthonsz and de Vos think favorably of project which must be elaborated in Colombo. Bath in the river which we enjoyed much,—after which commenced enquiry at eight. After breakfast went to the scene of the alleged murder and resumed the enquiry. Much new light thrown on the matter from inspection. The effect of the enquiry will be good on the native mind as showing that the Government will keep faith with the people, however little they may deserve it, and that it will spare no pains or expense to ascertain truth. Closed at eight when we got into the boat and left Maplegam. Splendid run down to Baddegamma, current being with us. Reached the place at seven, but servants not having been sent beforehand, we could not dine till ten.'

'29th January.—Went to the office, but could not do more than write Overland letters. Propounded my plan for raising "Albert Town" at Hiniduwa to H. Dias, who is favourable and will join.'

It is matter for great regret that the scheme for establishing a burgher agricultural colony with 'Albert Town' as its centre, was not carried out. The idea, however, was not forgotten: it was talked over again and again in after years, but want of capital and want of leisure prevented the scheme being tested by the principle which

Sir Hercules Robinson about that period made immortal in Ceylon, viz., 'Will it pay?' The present (1878) state of the labour market in the island shows that some such an outlet for burgher energy is more imperatively needed now than it was in 1866 when first devised.

'2nd February.—Dear Owen's birth-day, the first birth-day he has been away from home. God have mercy upon our boy, and give him many many happy returns of the day—and hasten the time when he will return to us improved in body, mind and soul. If there be anything on earth I desire more than another, it is to see my dear boys return to us and getting on prosperously in life—one of them, if it please God, a faithful preacher of God's word, setting forth his glory here, peace and good-will among men. Then indeed will I join heartily in old Simeon's prayer. Had a committee meeting on the Cemetery Ordinance; conferred with Mr. B. B., as to Galle face charges which are fair. V. is for closing the present Pettah burial ground, to which I am strongly opposed. If closed at all, it should be partially only. Visited Mooloorajahwella fields with Lorenz and others.'

'5th February.—Arose with a sense of heavy work which I ought to have done but have made but little progress in reaching and overcoming. I sometimes fear that I shall never succeed, for, from the moment I commenced business, I cannot call to mind one single day, any occasion, when I could say I was perfectly free from work. There was always something to do, something not done. And thus was it, indeed, since my earliest recollection. So at school, so in life, when school boy cares were thrown aside and heavier matters engrossed my attention. And the feeling comes upon me that so will it be until the scene is closed and life's fitful fever is over. Verily, will the end come upon me like a thief in the night, in the midst of works, of anxieties, of soul-engrossing cares. There is one satisfaction, those works,

anxieties and cares will not stop the mandate ; nor could one wish it to have that effect if but his lamp was trimmed, his oil ready.'

'10th February.—Meeting of Prison Discipline Commission at one. Examined I. A. according to whom the treatment of prisoners at Malacca and Singapore is far more lenient than in Ceylon. People in a higher position (*e. g.*, clerks) are employed as clerks themselves and allowed to reside at large. Engaged house at Nuwera Ellia for March, April and May—£10 a month. A spell of cold will do my wife and me great good ; and I shan't be the worse for it and for the rest which I may there enjoy.'

'12th February.—Commenced Mackenzie's Roman Law, which I hope to get methodically through, making full notes. Employed in the office principally, with the gold-bar case and wrote to Captain B. In the evening had a dinner party ; the Austrian crown jeweller, several Germans and Lorenz dined with us. Germans very musical ; the crown jeweller especially amused us much with German songs. Broke up at twelve.'

'13th February, Shrove Tuesday.—Supreme court sat to-day, and I got rid of two cases, one Colombo in which I succeeded in securing a reversal of two decrees, and the other from Matara which was affirmed. A Police court case from Caltura also affirmed. Engaged afterwards in studying questions submitted for opinion as to the right of an agent to pledge goods of principal, he himself having no lien thereon. I think he has no right in that respect, nor had he by the English law, although the power was afterwards given by statute.'

'14th February, Ash Wednesday.—Went for a trip in the train with all my party. Met Mr. W. C., who was going to Kandy with D. to see the Governor on the currency question. He is an advocate for the decimal coinage system making the rupee an unit. Enjoyed the

travelling.amazingly ; the day was fine and the country around beautiful.'

'15th February.—Came to office and worked till after five, particularly at the opinion for the Asiatic bank as to the right of agents to pledge goods of principals. Held that though by general rule of Dutch law agents have no such power—yet 'moribus nostris' according to Voet and others they have such power. The pledge to banks is particularly upheld by Voet. Telegraphed to A. C. Stewart, P. S., to know if I should be wanted for counsel before the 23rd. Heard in reply, that the Council could be held on the 25th, so that I will go to Galle to conduct gold-bar case.'

'16th February.—Heard of Singanayegam's death last night. He was a very worthy man, and, though an interpreter of a court, perfectly honest.' This is hard measure for interpreters of Ceylon Courts.

'17th February.—After a brief and feverish rest, for my wife was worrying about my leaving her, got up about four and prepared for my journey. Met coach at post office and Lorenz was there. Called at J's. and heard from Geo. Stewart that a search was made and four gold-bars discovered. Stopped at L.'s and saw Trutand. Pleasant day throughout. Wretched breakfast at Bentotte. Reached Galle at half past four; saw Nell, Bayley and the chief. Large party at the old mansion waiting for the steamer for Suez which goes to-morrow.

'23rd February.—Proceeded to Kandy for Executive Council. Enjoyed the train very much, but the coach afterwards "horrid." Arrived at half-past four, and thought of the bright genial face [Mr. J. A. Dunuwille's] that would have been there to meet me, but that he had been laid low within the last few months! Terribly low spirited in consequence. But G. made me welcome.

'24th February.—Long Executive. Asked to dine with the Governor, but made an excuse as I was feverish

from cold. After Council saw Mrs. Dunuwille, and visited the grave of my dear friend. At the beginning of last year, I saw him give his daughter Maria in marriage, and father and daughter as happy as they could wish to be. They now lie side by side of each other, and the happy remembrance of the past is all their friends have to comfort them.

'28th February.—Went to office yesterday and had conferences with Maartensz on W. R. and Co.'s estate matters, and settled libel as to Dixon's estate, but could not do much more, besides giving instructions to Bayley, de Saram, Fisher, and Laharpe in the gold-bar case, as to Crown work. The day passes so rapidly, and there is always so much time taken up in empty gossip. Could not go to the fort as I had intended. Went to Trinity at half-past five and distributed prizes to choristers which should have been given last Christmas.

'1st March.—Up late owing to last night's dissipation, —(a festive gathering under a friend's cocoanut trees)—and could not do much work in consequence. Went to fort first to confer with D. as to my opinion on the case submitted by Stuart and Bennett, trustees of Mrs. St. J. Went to call on the Registrar-General who is laid up with fever. Called on the Surveyor General who was not in. About two hours spent in idle gossip after my return, so that I could do little or no work. Wrote to Richard and Owen.

'5th March.—C. S. called this morning to recommend J. to me. Promised to bear him in mind. It seems, as a supplement to the story of his being imprisoned by J., it is now stated that I went up to Kandy express, and obtained a pardon, receiving £1,500 for my trouble.* Not a bad sum that to receive in these hard times! What next, I wonder? Mr. S. called to ask my "favour" when a vacancy occurred in the Lands Registration Department in the Eastern Province.

'7th March.—Did a good bit of work in the office, though Mr. MacCarthy took a good portion of my time in absurd questions about registration. He informed me that the Governor had appointed me, himself, and Dickson a committee to arrange details previous to bringing the Marriage Ordinance into operation. I don't like the constitution of the committee, and must consider whether I should act. N. came to ask me to get B. a place in "the service," but I pointed out that the service seemed almost inaccessible just now and that my interest was very limited. The prospect of being ordered out of Colombo (should B. succeed) seemed to put even N. out. He did not object to let B.'s affianced to Jaffna, but any other station he demurred to. He then spoke of B. buying up the *Examiner*, setting up as its editor, and being admitted as an advocate in addition. I promised to sound Lorenz on the subject and found him willing to give up the paper. I had warned him against it from the first and foretold that he would repent of his connection with journalism. Heard from the Governor, who wants a memorandum as to the fiscal's office—the working of which, he says, is reported to him as very bad. L. thinks that S. had a plan to make the department entirely independent of the Government and under the supreme court, but this I think would be objectionable.

- '12th March.—Got up at six. Received an invitation from Mr. Cairns, dated "Saturday night," asking me to dine with him "to-morrow" to meet H. R. H. the Prince of Condé. C. called to ask for interest with Fowle and Richmond to procure his son the clerkship of the chamber of commerce,—S. retiring on pension. Promised letters to Richmond and Wise. Asked — my interest to get him the Municipality Inspectorship which J. vacated. Promised to speak to Lorenz and de Saram. Did very little work in office. Conference with N. on liability of

assignees of S. and B. to action by D. T. and Co. Conference with B. on Kandy murder. The rest of time in idle talk, which very much vexed me.

‘15th March.—I omitted noticing in my journal of yesterday that I read three capital articles in the *Law Review* touching Bankruptcy Law, Marriage with deceased wife’s sister, and Lord Westbury. The first is very suggestive. What right have we to clear the property of debtors from future liability? The second is very exhaustive. The third was condemnatory of Lord Westbury, but giving him full credit for his great abilities and his successful reforms.

‘22nd March.—Not long in the office, as I had to attend the second meeting of the Education sub-committee. In looking over the despatches on education which I got from Mr. MacCarthy yesterday, I came across some very curious documents. There was one No. 121 of 31st July 1840, forwarding a memorial from my brother C. A. M., in his sickly days in which it was stated that I was to get letters of recommendation from Mr. Stewart Mackenzie and Mr. Turnour, when I was about to proceed to England, but that they were denied me because my brother’s attack on S. M. in the Matara case, whereupon he resigned his proctorship for prisoners! Also the reasons of J. S.’s summary dismissal from the office of D. Q. A. in 1840. It seems that S. gave “unsound advice” in two instances which were reported; on the strength of these it was said that Government had no confidence in him. Mr. Anstruther in a memorandum submitted by him (13th February 1840) recommended that S. should be made District Judge (same salary, £1,000) and another deputy Queen’s Advocate sent out. But Lord John Russell thought he ought to be displaced, if the Governor believed that the errors were the result, “not of mere casual oversight, but of ignorance of the principles and rules of law,” adding “To require you to administer

the Government under legal advice in which no confidence can be reposed, would be to subject you to risks which no Governor ought to incur, and would also be to deprive the public at large of a security indispensable to the interests of justice and to the due conduct of every branch of the Colonial Government. On this subject, you will understand that you possess a discretion altogether unfettered to relieve yourself, if necessary, from the embarrassment of having to resort for guidance to incompetent legal advice." But Lord John held further that the incompetency was as fatal to S's. appointment as District Judge of Colombo. He was accordingly displaced, and Mr. Temple sent out (Despatch No. 27 of 24th February 1840). Presently Arthur Buller took up his cause and wrote strongly to Sir J. Stephen to express his regret at losing S. as D. Q. A. and expressing his opinion that S. was wronged. Lord John Russell authorised his recall to the public service and he was afterwards appointed district judge of Kandy. This must serve as a lesson to me to be careful in the opinions I give. We examined Mr. Sendall to-day. He is strong against a School Commission and greatly in favour of a Director; he was against vernacular schools, and the present system altogether.

'27th March.—Left early for the station *en route* to Kandy, and was in good time. Enjoyed the journey by rail, but the other part of the journey was bad. Bad horses, bad harness, bad everything. The reins snapped before we were a quarter of a mile from the station and, but for White's jumping out and seizing the horses, we should have gone down a precipice. Then the horses would not go, and we had to get down and walk about a mile up-hill in a hot blazing sun. However, from the rest-house, things were better, and we reached Kandy safely by four. Met J. and D. who had furnished a house for us, but the once familiar face which was ever the first to greet us on our arrival in

Kandy and to give us a genial, hearty welcome, was there no more ! I was in terrible trouble to find my box of papers, including my notes in the case, had been left behind at the station.

‘ *28th March.*—Obliged to get on with the case without my notes and, all things considered, managed very well. Made out a very good case as to power of attorney, establishing its joint character beyond all doubt. Lorenz made a feeble reply, as he thought, but the best his case admitted of, and, impudent as ever, said his opinion was as good as if not better than Sir Roundell Palmer’s ! Closed a little after two, and occupied myself by writing a letter to K., then went to the Maligawa to see the eight columns. Cuda Banda is going to give me. Visited Justice Temple and stayed with him till after six chatting, after which went again to the Maligawa to see the jewels. Came home and after dinner had a stroll on the bund.

‘ *30th March, Good Friday.*—Went in the morning and had an interesting conference with S. He recommends enquiry as to how far the irrigation ordinance has been carried out by the Government Agents and speaks of the Gansabawas as admirable institutions for settling irrigation disputes. Cuda had previously impressed upon me the necessity of either establishing village councils everywhere or empowering magistrates to recognize and uphold irrigation rules, the neglect of which he says is a great grievance with the natives. I propounded my idea of giving native headmen jurisdiction in small cases, to which he seems favourable. Talked of loosening temple lands by allowing power to alienate, the proceeds being made subject to trust and to enable temple tenants to commute, to both of which proposals he is favourable.

‘ *19th April.*—Left Kandy about seven, and after a drive along a beautiful country, but dangerous road, we reached Nuwera Eliya safely about eleven. It was interesting to observe the gradual alteration in the vegetation as we went

higher and higher. At Gampola, coffee straggling and indifferent. Pusilawa rather better, until we got to the Rothschild, Melfort, and Delta estates where the fruits of increased expenditure were manifest in the more healthful-looking plants. Ramboda trees were decidedly more green, heavy and luxuriant. Then came trees with twisted branches and cockscrewy timber and pines and firs; it was colder and colder as we got nearer Nuwera Eliya. C. was waiting breakfast for us. Enjoyed my bath and sat down to a capital breakfast; a chest cold came on as a reward for the bath. In the evening C. drove me out to Lawton's farm on the Badulla road. Returning we had a narrow escape, the horse having turned round just as we were on the brink of a precipice.

'21st April.—Breakfasted with the chief justice to-day. His garden is a beautiful one. He spoke disparagingly of both —'s; said he believed they had a bee in their bonnets. Advised me to get rid of them. The Governor and Lady Robinson have not gained with society generally. They are too exclusive, see very little company, do not entertain at all, and are very stately withal. Very eventful Council. Colonial Medical Department largely increased, a case of first starving, then stuffing. Major Skinner's pay made £1,500—very properly, only one dissenting. In the evening dined with the Colonial Secretary.

'22nd April.—Went to Cinchona gardens at Hakgalla which I enjoyed much. Had a spill on our return. Quiet day, cold and wet. Dined at the General's and had a very pleasant evening. Mr. and Mrs. K. were at the hotel; the latter on her way to England. He said that he was successful in rearing sheep at Nuwera Eliya. At first he fed them; then they would make no effort themselves, sickened and died. Then he gave no food; compelled by hunger the sheep went in search of it, found it,—effort did them good, caused increased circulation, acclimatised them, and

they began to become fat. Transport and all sheep from Malacca cost him 10*s*. Fattened (which cost nothing) they sold for 30*s*. So K's recipe for fattening sheep at Nuwera Eliya is "Don't feed them at all."

'25th April.—Richard's twenty-first birth-day! We have been looking forward for this day with anxiety and joy. Now that it has come, it seems as full of anxiety as of joy. To me the Lord has been truly good and merciful. I recollect the day when I was admitted to my profession. On looking forward then to my prospects in life, I almost felt they were

"Dark as was chaos, ere the infant sun
Was rolled together, or had shot his beams
Athwart the gloom profound."

Indeed I recollect inscribing these very lines in my diary. I was friendless, a few books—hardly half a dozen,—were all I had to guide me in the exercise of my profession. If I wanted others, I must have borrowed them from friends. A few chairs, couches and tables were left me in the house by my mother and sisters when the establishment was broken up and they went to reside with T. at Galle. It is true that the Almighty had blessed me with talents, the proper use of which I felt and hoped would ensure me success. He had also given me a sanguine temper so I would not despair. But there were circumstances which depressed me then not a little. But with us, as with the believers of old, as our need so will our strength be. I applied myself to my work and was able to achieve a moderate amount of success, to outlive all opposition and, on the 1st May 1844, to lead my affianced to the altar. It was a happy day: but not more happy than the day of which this is the twenty-first anniversary, when my dear wife presented our first-born to me!—the first pledge of our heart's warmest, purest, earliest affections. I have had my successes in life—I have had many a day

of triumph and happiness, but none can I recall with so much pleasure, so much gratitude, to the Giver of all good, as the 25th April 1845. * * * We were enabled to go with Richard to England so that we could see that he and our other dear children were happy and cared for before we were separated from them. That bitter hour of parting with Richard at the pier at Dover is still one of the shadows of our life, but our kind Maker has watched over him, and we have been blessed from time to time with good news of him, and we are now spared to see him enter his twenty-first year,—the legal manhood. We grieve that he is not with us, that our eyes cannot rest on the form which now absorbs all our thoughts and affections; but we feel—and it is a consoling thought—that the same Eye that we now look up to, watches over him as well—that we are the common objects of His care and protection. May he preserve our dear boy and grant that he may grow in health and strength * * * *

‘I do not purpose keeping this day in merry making, but have only asked a few friends to join us at dinner. But, as a proof of our thankfulness, and with a view to benefit our faithful servants, I have given to each of them a savings’ bank book containing a deposit of one month’s pay. I hope they will be encouraged to continue henceforward making deposits on their own account:—

	£	s.
Tom	1	10
Joseph... ..	1	10
Bastian.. . .	0	15
Bob	0	10
Baby’s Ayah ...	0	10
Louisa... ..	0	10
Isabella	0	10
Cook	1	10
David	0	15
Juanis	0	12
Wellegan		
Adacustan (gardener)	10	
Kitty	0	10

	£.
And in money to Juannis (Cotta) . .	1 10
Richard's nurse (Niddamah) ...	1 10
Mrs. M.'s nurse	1 0
Malay gardener	0 10

* * * * *

‘Twenty-one years have passed since our dear boy was born and though there is much to sadden and vex me now, still I can recall, God be thanked, with freshness the day which was productive of so much happiness to me and my dear wife. Professionally I have enjoyed all the success I could reasonably wish, and he who commenced life twenty-six years ago (31st December 1840) a proctor with a few books, wondering if he would ever get on, if he would live to have a fair practice and acquire property, if he would achieve success in a field where competition is keen is now the official head of his profession, esteemed and respected—though it is I who say it,—by all. He is happy who dies happy and that day only will reveal what my lot is yet to be.

‘On this the birth-day of my eldest son, let me insert some vows I have formed and which I pray the Almighty will enable me, as well for my sake and that of my family to keep :—

1. Strive to pay old debts and not incur new ones.
2. Avoid extravagance.
3. Be strictly true to my word.
4. Restrain my tongue.
5. Judge not uncharitably; question not motives.
6. Be truthful in word and thought.
7. Avoid intemperance and all approaches to it.
8. Avoid unchastity and all appearances of it.
9. Strive for and cherish a deep sense of accountability.
10. Cleanse my way by taking heed thereto according to God's word.
11. Go to the root of things, avoid superficial examination.

12. Waste no time.

'I have prayed this morning that God may enable me to keep these, so that I may have additional cause with pleasure to look back on my son's majority.

'Was hard at work the whole day, but did not accomplish much. Much of my time was taken up in the preparation of the Executive Council minutes.

'30th April.—Had a long walk on Lady Horton's walk this morning. Met Mr. Harrison who accompanied me a good way and seemed very gracious for the king of Kandy. He is in favour of Tottenham's road; and as for the objection touching the Madulsima and Hewa Eliya planters, he seems to think that this will benefit them as much as any road can. He admits that Batticaloa is their natural outlet, but the shipping thence is limited to a few months in the year and coffee taken thither or to Hambantota gets spoilt. No population to cure it in those places. Busy the whole day, but generally in writing private letters. No officials of consequence. Heard of Mr. Allen's death after five days' fever. A good man is lost to the world, but he has become one of the garnered treasures of heaven. Dined with Mr. Harrison who made a great parade of his wine—good sherry, but bad champagne.

'2nd May.—I had yesterday a long conference with V. who suggested two ordinances—one to require Kandyan marrying to declare before a Registrar whether the marriage is a deega or beena one, and such declaration, certified to by Registrar, to be final and no oral evidence to be admissible. It will no doubt prevent much false oral testimony, but then, how far is it practicable to provide for like registration as to past marriages? Another idea is to require all deeds before 1834 to be registered within a stated time. This will prevent false instruments which are becoming too common. Had a conference afterwards with Pettiagedere Unanse and Cuda

Bandar. They approve of both above ideas. Invited their opinion as to a law enabling temples to sell their lands, but they seem opposed to it, and quite feel that it would give a blow to Buddhism. They are favourable to power to lease which they believe exists now. I was surprised to hear from them that there are many parts of the old Kandyan provinces in which the marriage ordinance is practically disregarded from ignorance.

'3rd May.—Called on R. this morning; he was not in. Called on S. and saw him. He is a very steady fellow, and likely to get on well. I advised him to prepare himself to be called to the bar; he is doing so. Busy whole day, but could not do much after all. I find private correspondence takes up much of my time. Commenced an ordinance on deega and boena marriages. Called on L. in the evening and returned early for dinner. Called on the priests to ask them to put off the proposed picnic in my honour till next week as I feared rain.

'5th May.—Had a capital walk this morning round Lady Horton's walk, a full five miles I should say, and felt all the better for it during the day. Did a good day's work. Wrote to W. C. G. touching baby judges and the law's delays, which are scandalous in these parts. In the evening drove up the Kondesally road. Wife nervous as usual, and could not go far.

'7th May.—Had a long walk to-day in the town. Saw Wijeyesinhe and left settlement of Wm. Kellow's bargain to him. Heard of poor Fisher's death. He was thrown off his horse some five miles from Ampittia, on his way from Badulla, and killed. His poor wife was waiting at Ampittia for him; she had to go to fetch his corpse home. Verily in the midst of life we are in death; and yet we individually go on quite believing that, whatever may befall our brother, we ourselves are, of course, safe. Fisher's case is an instructive one in many respects. After years of toil, he had at last received, or rather was

about to receive, a fair increase to his salary; some of his children had just come out, and, just as he might have begun to expect enjoyment, he is cut down!

'8th May.—Had a long walk and met L., who asked me to dine with him this evening to meet the District Judge. Was rather perplexed at the time and said 'Yes,' for which I was sorry as L. had never called on me, and as I fancied (but it might only be fancy) had never shewn a disposition to court my acquaintance. Had a conference with V. about certain Executive Council matters. Busy the whole day with office letters; also drew out Deega and Beena Marriage bill and old Deeds bill. Yesterday despatched a lot of circulars on education.

'9th May.—Busy the whole day, but much of my time having been taken up with preparing the contract of Government with the Bombay C. and R. S. N. Company, could not write many letters. In the evening dined at L.'s. Took a bet with him (a dozen of champagne) that ex-Governor Eyre of Jamaica would be tried, convicted, and afterwards pardoned. L. thinks he will be let off, whilst another of the party argued that his name could not be included in an indemnity bill, and that he may be tried in Jamaica, but will either be acquitted or let off, because the jury cannot agree on a verdict. Both were strong against Sir C. MacCarthy. One said Sir Henry Ward's prevailing thought was 'Ceylon,' and he laboured for its good. MacCarthy's was 'MacCarthy,' and he laboured for his advancement.

'11th May.—Went round Lady Horton's walk; met L., who walked back with me. In the noon Dr. Thwaites of Peradenia and T. called, the former mentioned to me that Mr. M. had the Governor's permission to go to Colombo for six weeks, but that he was at a loss for a place. I offered him the use of Hendella if it would suit him. T. spoke of the Dikoya and his difficulty in assessing the district, as part of it belonged to the Western. Pro-

vince. He says the Governor calls him Ago, as agent is supposed to be derived from ago, agere, *to do*. Evidently he is complained against for not getting coolies readily, which B. and P. always do without difficulty. The Governor has no idea of the Rajakaria practised to get him coolies for his journey and his kraal !

‘ 14th May.—Nearly finished my Colonial Secretaryship’s letters, and commenced those of Agents, D. Q. A’s. and J. P’s. A picnic at Peradenia given by O. and T. to which the womankind went. I stayed behind as I had lots of work ; they returned about 6-30, having enjoyed it very much. I dined in the evening with T., and met L. and D. there. L. says that roses may be pruned in the hot season without fear of killing them, and that they should not be manured. L. is evidently for the new trace by Tottenham ; he thinks Tottenham will contract for it.

‘ 18th May.—Took C. to Peradenia again this morning. On the way we stayed at the mail coach office where I saw Mr. Waldock, of the Baptist Missionary Society, who promised to send me a list of the villages in which there were Christian converts who complained of having to render services to temples. Enjoyed our walk in the gardens. Was struck with a remark made by Dr. Thwaites. He complained that he was not allowed a proper number of coolies, and that even stationery, which he had asked for, was cut down. I asked him why he did not tempt W. C. G. to the gardens to represent his wants to him. “ Oh,” he said, “ Mr. G. has no love for science whatever,” a very charitable way of construing his parsimony. Mr. Humphreys was there photographing. Took a nice picture of the palms which he produced to show us ; on his way to put the glass into the box it fell and broke ! He took it in good part and proceeded to take another. A lesson to me for the haste and petulance I indulge in ! After breakfast, Cuda, Mulianda Banda the Natu Dewale, Dehigama and

Dullewe called. The two former are evidently opposed to my commutation of service scheme. Cuda said, "Excuse me, Sir, but if you wish to abolish the Buddhist religion do so. Send missionaries round and convert them all. Why go this way \geq ?" making a zigzag with his finger in the air ! Dullewe is for the scheme and gave some interesting particulars of law-suits to enforce services, by which landlords lost hundreds of pounds and gained nothing. He pointed out the distinction to be drawn between parveny (hereditary) tenants and marweny (at will).

'21st May.—Busy from early morning completing replies to letters from Registrar of Lands received since the ordinance was introduced and not replied to. This was the only file brought with me to Kandy and not touched, and this I had the satisfaction of completing before leaving. Then packed up. * * * We left Kandy at half-past one, made first stage well, second stage tiresome, for we walked down Kaduganawa pass. Change again at Utuankandy, my old house which poor Dunuwille took over, very slow, and did not reach Ambanapitiya till near eight, when N. was waiting for us, and he took us down charmingly to Ambepusse. Had refreshment and left at ten and reached Colombo railway station at eleven.

'29th May.—Mr. Ferguson of the *Observer* published imprudently a telegram he had received from Reuter, "Reported that Asiatic Bank stops. Loss £142,000." There was a terrible run on the Bank in consequence, and de S. and myself were summoned to attend. Not having heard from his Directors, C. cannot act on the rumour and he must therefore go on. The report may be true, but it is not likely as £142,000 is less than the reserve, which exceeds £170,000, and the other Bank managers have heard nothing. [The report proved to be a mistake. The telegram should have read, "Reported Asiatic Bank shows loss £142,000."]

'21st June.—Had a long conference with the Governor to-day about several matters. The result was very satisfactory. He sanctioned my preparing an ordinance enabling commutation moneys to be recovered same as road ordinance moneys, and another giving power to Gansahhawa to try minor cases as to village paths, &c., &c. I represented to him that the irrigation ordinance was not put into operation in Yattinewere and Udunuwera. If the Agent could not himself attend to these matters he should have the assistance of superior men of the S. stamp to attend to these matters which greatly affect native interests. * * * I next adverted to the Registrar's department and pointed out how it was starved. Showed that returns from Kandy office in 1864 were £1,895-6, expenditure £931, leaving a clear profit of £1,164-6. In 1865 the receipts were £2,294-19. Ex. £731, leaving profit £1,563-19. In 1866 to 31st May returns were £738-13, and yet this office is starved—has not sufficient hands to perform the work which the ordinance requires. I pointed out that the plan of comparing the aggregate receipts with aggregate expenditure is unfair. Each office must be judged of separately as it proves deserving of support. His Excellency quite concurred in this. He referred to the want of a record office, and said that the only one in the fort was the church; there was no other space. I pointed out that I thought the Record office should be outside the fort near either the kacheheri or the courts. I next led him to the question of affirmations and oaths, and pointed out how the substitution of the former for the latter gave rise to, or rather considerably increased, false suits and false evidence. The anomaly of requiring Christians to swear, and absolving Buddhists and Mahomedans from such necessity was glaring. He agreed with me in the view I took, and approved of the course I indicated as the one I should pursue, viz., bring the subject before

him officially, and for him to refer my letter to the judges.

'I lastly referred to the question of the power of French Consuls and to his not agreeing with me in the view I took and submitting my opinion to the Secretary of State. Sir Hercules said that he recollected that a similar question had arisen in Hong-Kong when the Home Government decided, on reference, that an ordinance should be brought in enabling consuls to arrest and detain offenders; he could not give details, but referred me to Mr. Mercor. I explained my reasons, and added that had I known he contemplated a reference I should have given them *in extenso*; that I was apprehensive that the Secretary of State might regard it as a complaint. "Not at all," he said, "not at all." There was nothing to lead to such a view, and that he was too well satisfied with my opinions to think of making a complaint. I expressed my readiness to give my reasons to be forwarded to Mr. Cardwell, but His Excellency assured me it was unnecessary, and that I should not give the matter a thought. He only hoped the Home Government would look into the subject and give us definite instructions for our guidance.

'1st July.—Wrote off my memorandum to the Governor, heads of our conference, and referred to "Baby Judges," and recommended uncovenanted service. In the afternoon went to St. Peter's where Col. Layard and ourselves were the only attendants.

'7th July.—Went to see S. in the morning on my way to the office, found him insensible and fast sinking. He conveyed the idea to my mind as if now and then transient glimpses of sense burst upon him and presently vanished; he tried to utter words, but in vain. The keepers of the house were verily trembling and the strong men bowing themselves, the grinders ceasing and those that looked out of the windows were darkened. I spoke

but he heard me not. I left the house sad and dispirited, and when I returned in the evening found, as I anticipated, the silver cord was loosened and the golden bowl broken, the pitcher was broken at the fountain and the wheel at the cistern. A few weeks ago he as little expected death as I do now, and when it came it was without a warning. Wandering and unsoundness of head detected at first, and whilst his friends were wondering at it he was struck down, and where the tree fell there it lies. Not room here for preparation. If these lessons are lost upon me, verily in vain will Abraham and Moses rise from the dead. Visited M. also and found him prostrate and in pain. The Sarams dined with us in the evening.

'18th July.—Dinner party. The Protestant and Roman Catholic Bishops B. and his wife, A., Col. F., and John de S. The two Bishops fraternized charmingly, —but Sillani did not respond to Dr. Claughton's invitation to dine with them.

'6th August.—Miss P. M. and Mr. S. M. called at night to tell me that P. A. was arrested for debt on his way from office. Mr. P. coolly tells me he is largely involved, and indeed owes money to the bank; he has never cared for his debt till actually arrested, so that his case is not deserving of consideration. However, I gave a note to C. M., who is proctor for the man who arrested him, to release him for a week, with the view of ascertaining what his troubles are, and what the chances of effectively releasing him which, I am afraid, from what Mr. P. says, are very slender. This normal state of indebtedness, the utter want of principle in incurring liabilities which one has not the faintest chance of meeting, and the indifference when one is in debt argue badly for the morality of the burghers. There is, in some, an utter want of all honourable feeling which premises badly for their present success and future advancement.

' *9th August.*—The case of the captain and officers of the "Emily Farnum" and officers of the "St. Albans" charged with assault and wounding, came off to-day. They pleaded guilty and were sentenced, the captain in a £20 fine and the rest in £10 each. Rather moderate punishment, but extenuating circumstances were depended upon by the prisoners. As the prisoners assaulted are now recovering, and undoubtedly were mutinous in their conduct, and as the object of trial was more the vindication of our right to enquire into offences committed by Americans near our shores—an idea prevailing that they were not subject to our laws and jurisdictions,—I am not sorry for the result. But the punishment was certainly too small.

' *14th August.*—Education Meeting. Considered, first, question of school commission or director. I am afraid of the despotism of a single director, and proposed a consulting board. Came to no decision, however.

' *25th August.*—After the week's heavy work I quite enjoyed a trip by rail (9-40 A.M. train), reached my land at Pattelegedere and went about devising all sorts of improvements. C. D. and his wife called and left with us in the same carriage. Enjoyed the drive famously. Struck me that much may be done to prevent cattle-trespass by requiring all owners of lands adjoining the line to have a proper fence on their limits, and empowering the railway authorities to make a good fence on such limits, where they are wanted, at the expense of such owners, besides subjecting them to fines for breach of laws. Must consult Molesworth thereon.

' *26th August.*—Went to church, and after church stood sponsor to C.'s boy. Large breakfast party afterwards, very well got up. But, as usual, the champagne at noon affected me, and I was dull and drowsy and not fit for work during the day. Old Labroy came and amused me much with his old-fangled notions. Can't understand

the short-sightedness of Government in not keeping a rice-store and competing with the chetties, or rather keeping their prices down. The salt revenue is yet his hobby; he thinks the railway and telegraph great mistakes, but the cardinal mistake is allowing the coolies to come here in large numbers and consume our rice, to which he ascribes the scarcity and high prices of the staple.

'28th August.—Rather late in going to court to-day, but could not do much when I got there, for I had to see the Governor at 12-30. Gave him my programme for the session, with which he seemed pleased. Spoke fully of the League and of his reply. I pressed on him how glad I would be to have Lorenz back in Council. He asked if Lorenz had been factious whilst in Council. I replied, "No, by no means; he was very useful." Would Lorenz come? I could not say. Afraid not. His Excellency thought the Insolvency ordinance could stand over until we had an English Act. I thought not, as the subject was urgent. This matter stood over for consideration. Spoke of Prison Discipline Commission and its report, with which he was well pleased. I told him that the Judicial Districts' Committee would recommend new district courts at Kaigalle and Mullativoe; he seemed not to object.'

The reference in the foregoing passage to the League and Sir Hercules Robinson's reply necessitates some explanation. The League agitation had stirred the island to its depths: no town was so small but that it had public spirit enough to convene a meeting, which was sure to be a crowded one, and resolutions favouring the objects of the League passed. The outcome of it all was a memorial to the Queen, the prayer of which contained the following requests:—(1), public control over the disposal of the local revenues; (2), reform of the existing Council in such a way 'as would secure to

the unofficial members as representatives of the public a due influence in the disposal of the revenue.' When 2,500 signatures had been obtained to this memorial, it was sent to Sir Hercules Robinson to be forwarded to the Secretary of State for the colonies, at that time Mr. Cardwell. A despatch, dated the 23rd of April 1866, accompanied the memorial. It dealt with that document in a most antagonistic spirit, and criticized the various classes in the community with much freedom. The European unofficial member of Council was thus described:— 'He is generally a merchant or a planter, with little or no knowledge of the island beyond the capital or the coffee districts. He is a mere temporary resident, whose sole aim and object is to acquire a competency in the shortest possible time so as to escape from the island for ever. He is a member of a small but dominant class, whose interests often conflict with those of the majority of the inhabitants who are life-settlers. He has, in the appropriation of the general revenue of the colony, to which he and his class contribute but an infinitesimal proportion, objects to advance in which either he himself personally or his class are directly interested. And above all he is irresponsible as well to the Crown as to the public.' To a department which professes—professes much more than it practises—to be particularly jealous for the interests of the native races under its control, as the Colonial Office does, such statements as those quoted were enough to ensure the rejection of the prayer of the petition.

(1) One paragraph in the petition made a somewhat impracticable proposal. It said:—'That should Your Majesty not be prepared to concede larger measures of relief, Your Majesty's petitioners believe that the substance of their prayer might be granted, even though the present constitution of the Council were retained, provided that whenever measures of supply were before the Council, the votes of the official and unofficial members were equalized by the withdrawal of some of the official votes, and provided that unofficial members were to preside on such occasions.' The memorialists go on to say, 'Your Majesty's petitioners do not propose this as the best or most suitable arrangement, but in order to show that no violent change would be necessary to accomplish the object of their prayer.'

A few months subsequently, to the surprise and mortification of the colonists, a 'curt, decisive denial of their prayer' was received. This was the more annoying, because prior to the receipt of the Governor's despatch, 'Mr. Cardwell expressed himself in terms which led to the expectation of such concessions as would have satisfied the petitioners and placed Ceylon on a level, as to the form of her government, with some other less important, but more privileged, Crown colonies.'¹ The people of Ceylon had to wait nearly two years before they saw a copy of the Governor's despatch, and were able to deal with its assertions: meanwhile the League, through its London committee, and by the aid of several members of Parliament, (notably Sir A. Buller and Mr. E. W. Watkin,) continued its efforts till 1868, when a fresh impetus was given to the movement: it then blazed afresh, did some good service, and soon afterwards, mainly owing to petty jealousies on the part of some of its promoters, gradually dissolved. But to state this is to anticipate many facts which will have to be narrated later on.

Some further passages from Mr. Morgan's diary for 1866 may be quoted:—

'1st September.—At work at home, particularly with Judicial Districts' Committee report. Went at four to the races, forced rather by the girls. Would not go to the grand-stand, though I had a ticket for it. Interesting in a way, i.e., the girls enjoyed it, and I consequentially. After dinner, read a very stupid article in the *Examiner*, purporting to be a letter from H. G. R. [Sir Hercules G. Robinson] to Lorenz. No wit or humour, but rank impudence, and an assumption of the counterfeit article.

'6th September.—Attended funeral of my dear old

(1) Letter by Mr. Wall to the *Ceylon Observer*, March 1868.

friend Adrian Labroy this morning. There were not many present, but those who attended were all sincere friends of his. By some mistake no clergyman was in attendance to perform the funeral service, but it was not needed. All who knew Adrian Labroy and appreciated his strict ideas of honesty and integrity, respected him. His virtue and morality were lax, tried by the conventional rules of the world, but Adrian Labroy should not be tried by such rules. He belonged to a primoval school, a patriarchal state of things, and if strict unswerving integrity, inflexible honesty and unswerving sense of right could make a man great, he was great.

'2nd October.—Executive Council to hear the "Royal speech." Colonial Secretary quite tame, and said not a word.

'3rd October.—Opening of Council and went through the usual absurd ceremony. Speech excellent, and every one admired it. In the evening a capital dinner at Queen's house. The Governor tried hard to make me play at cards, but I resisted the temptation.'

Sir Hercules Robinson opened his second session of Council on the 3rd of October 1866, and, in the course of his address, made some remarks which gave dire offence to a large portion of the community. Alluding to the scarcity of food and consequent high prices, Sir Hercules said that he had directed his attention to the repair of ancient tanks and the improvement of other works of irrigation. 'In one case,' he says, 'I found that, notwithstanding a breach in the embankment, there is nevertheless, a never-failing supply of water sufficient for the cultivation of 400 acres now irrigated by the tank; and that, although the population within reach is sufficient to cultivate this extent, such is their indolence that rarely so much as even 150 acres are made use of.' His Excellency regretted that the Singhaiese would not work on the Coffee estates, but that labour for the plant-

ations had to be obtained from India.' Sir, Hercules concluded his remarks on this point as follows:—'The wants of the native population of the island are few, and are easily supplied by an occasional day's work in their own gardens or paddy fields. Their philosophy, their love of ease and indolence, or their limited ideas, whichever may be the real cause, render them perfectly content with what they already possess, and it is therefore futile, I think, to expect that they could, by any mere outlay of Government money, be ever brought to supply with food an immigrant population, whose presence in the island is mainly rendered necessary through their own apathy.' The Governor gave great offence to the natives by these remarks, and the Tamil and Singhalese members of Council made pointed reference in Council to this adverse opinion, and strongly resented the reproach of 'apathy.'

The remaining history of this year—interesting and important to Mr. Morgan—is best told in his own words, as jotted down day by day.

'6th October.—Council. C. made a very affected and out-of-place speech. Gibson and myself replied to it.

'10th October.—Council. C. meddlesome as usual, but innocuous. I obtained the first reading of the Registration of Old Deeds and Police bill.

'12th October.—At Mr. G.'s request sounded C. S. as to whether he would take the District Court of Kandy, which he very properly declined to do. Dined out in the evening. Great scarcity of rice, and prices rising. Had a conference (Mr. Vane and self) with Mr. Newman, agent of the Bombay Coast and River Steam Navigation Company. As a partial measure, and with a view only to the

(1) The answer which was made to this argument was that, owing to the prevailing law, which permits of land being divided into small portions nearly every grown-up Singhalese man was a land-owner, and he felt it beneath his dignity to go and work on a Coffee estate as an ordinary cooly. As an instance of the manner in which land is divided in Ceylon, it was found that nearly two hundred persons had to be treated with for the land needed for a short line of railway in the neighbourhood of Colombo.

wants of our pioneers, recommended an order from Bombay for as much rice as the steamer, expected to leave that port to-morrow, could bring.

‘13th October.—Council to-day. C. meddlesome as ever. Objected to one of my amendments on the Surveyor-General’s bill, which I carried, however, triumphantly. Executive afterwards with a view to our rice difficulties. The Governor took a very correct view of the subject. Government interference always objectionable, as leading to discourage importers and perpetuate the very evil it means to check. High prices lead to (1) increased importation; (2) increased cultivation, and thus the evil adjusts and remedies itself. But adventurous interference with prices often proves disastrous. However the present is an exception, as the question is not one of high prices, but of want of commodity, and we have our labourers to feed.

‘14th October.—Busy with Lorenz on Fiscals’ Ordinance. Crowd came there to complain of rice. Left quietly, but they came here; several hundreds; complain of starvation, children eat poonac and die. Must enquire fully. God have mercy upon them!

‘15th October.—Complaint as to rice continues.

‘16th October.—Great anxiety as to rice.

‘17th October.—Legislative Council. C. asked questions as to head Moorman of Galle which G. answered surlily and impudently with a blunt negative, disputing a member’s right to ask such a question. The Governor interposed, but did not mend matters, for the question as to right should not have been raised on such a trivial matter. Clearly the right to put the present question existed, for if no appointment should be made, query, should not the law be changed? The Mahomedan law has (as it is supposed) held that a man could not marry without the head Moorman’s consent. Contagious Diseases Ordinance discussed. Meeting for the relief of famine-stricken held, but could not attend.

'18th October.—Saw Governor with my Fiscals' Ordinance which he approved. Had a long conference with him on various matters, and particularly as to Commutation Ordinance. He spoke of G.'s opposition to the Fiscals' Ordinance and said that G. had complained to him of my delay in preparing the measure. I explained the difficulty I had in the work, with which the Governor was, or seemed, quite satisfied. It was not fair of G. to have made this complaint, or to be so exacting. So I almost told the Governor, and pointed out to him the difficulties of my position having not only to prepare but to suggest the legislation for each session. Heard on my return that Mine and G.'s house were to be robbed at night. Wrote to apprise him of it. Wall and Lorenz called, and I subscribed £50 to the Relief Fund, and conferred with them as to the means to be employed to give relief.

'19th October.—I was very much vexed with G.'s conduct towards me. I went to him. He turned away angrily. I went again to his room, when he was uncivil to a degree. I left him. With all my anxiety to pull well with him, and to put up with slights which his insolence at times subjects me to, my sense of self-respect recoils at his conduct which I can bear no longer.

'20th October.—Executive Council. G. made a furious onslaught on me in the Executive. Complained of the delay in preparing the Fiscals' Ordinance and was markedly offensive. He said that he wanted the opinions of men (with an unmistakeable emphasis) who were competent to pronounce an opinion on the subject. He was shewn to be irretrievably wrong, and was defeated. V. and C. said his manner was particularly offensive. Had to practice no little self-command to prevent an explosion.

'21st October.—Busy with Fiscals' Ordinance at L.'s. Hundreds came there for tickets to get aid from the Relief Fund.

22nd October.—A very troublous day. I was not well, and meant to stay at home; particularly as I sent an excuse to G. with whom we were engaged to dine to-morrow, but whom I could not meet unless he had explained his conduct on Friday and Saturday. Cowasjee, Nanny, Tambya and Ossen Lebbe came to me and said that there was great scarcity, and wished me to ask the Governor to allow the aid of military to take rice from the custom-house and store the bags in the Pettah boutiques, from which they would send rice to different depôts, where also they wanted guards. It seemed some boutiques had been broken into the night before, and they considered that it would not be safe for them to remove to keep the rice unless military aid was given them. I went with them, and saw the Governor. Mr. Gibson was present; he also represented certain signs of disquiet which had been brought to his notice. I explained to the Governor that I saw large and uneasy gatherings of people in the Sea street and Main street, but the Governor thought the police force ought to be sufficient, and referred me to Campbell who, he said, had just that morning returned from Bombay. Before we left Queen's house, we heard that looting had commenced, and that to a very large extent, in Sea street, and was approaching Main street. Mr. Layard came to report the same, and the Governor ordered out military to be stationed at the kachcherri, a detachment. I went to Court and heard there of acts of lawlessness. Layard came and reported the same. Went with Layard to Main street where Major Bourke and Mr. Campbell were, and accompanied them to Sea street. Several boutiques, particularly Andappa Chetty's, completely swept out of everything—and, strange feature, Andappa's bonds, mortgage and account books all destroyed! More than looting must have been the object. Went home and found my poor wife very worried and anxious, having heard that the vagabonds engaged in

looting had threatened to plunder my house and to kill me ! Why I should have been specially selected for their resentment, I can't imagine—and to me who had so long been a favoured creature of the *aura popularis*, this was especially tantalizing. C. S. came home and repeated the same story, having heard it from infuriated women engaged in the looting and angrily pacing the streets. I believe that the Municipal Council's operations were peculiarly distasteful at this time, but how am I to be blamed for them. Ah ! but I was the author of the measure. It would seem that some persons had been, of late, industriously circulating vile reports of me in order to excite popular indignation against me. I hope I am not doing any one injustice, but I think I can point to the men to whom I owe all this. God grant me His protection. My conscience is clear in this matter. I have only done my duty. May He enable me to continue to do so faithfully having a conscience void of offence towards Him and towards my fellow creatures, but at the same time not fearing the face of men, but fearing rather Him who, after killing the body, can also hurt the soul. Oh ! may all such troubles lead me to cling more to that Power, who alone can shield me in the hour of danger and of adversity, of sickness and of death, with whom there is no variableness neither shadow of turning.

‘I conferred with Crawford who engaged to bring some twenty-four good men and true to act as special constables. Andrew Silva had also his party.

‘At night an additional party of police and a mounted orderly were to look after Mutwal. But what surprised me more, as I was quietly walking round the garden after dinner, was to find a detachment of twenty-five men under Ensign B. come in with instructions to place themselves under my orders. Presently, a note arrived from the Governor to explain that a deputation had waited on H. E. to represent the necessity for additional protection to

Mutwal during the night which induced him to send the military. I was not to keep them if they were not wanted. After the special constables had been enlisted, I sent the troops away, much I am afraid, to the disquieting of the commanding officer, who would have preferred to stay the night at Mutwal—or rather at Modera.’

The letter to the Governor in which the aid of the military was declined was as follows :—

‘ I am thankful to your Excellency for your kind consideration of us. I was summoned away from town by a rumour of disturbances here, and when I came, I found several places had been pillaged, and the inhabitants in a great fright.

‘ The worst feature is that people from Daloogam (a village three miles hence inhabited by low caste ruffians) have come to town in aid of the vagabonds here.

‘ On ascertaining this, I got some twenty-four strong men in our village together and have employed them as special constables, so that we can well be independent of the military, and I will take care, unless something unexpected turns up, to send the military back at the appointed time.

‘ I thank your Excellency again for your kind consideration.’

‘ 23rd October.—Awoke rather late and heard that the Governor had passed another eventful day. Cowasjee and others came again to ask for assistance to remove the rice from the customs and to sell them at the different stations. Went to C., who promised police for this purpose. Went to Queen’s house and informed Captain Bourke of this, and was returning home when I was turned back at the fort gate by Candappa and others who reported with a vehemence which gave to their representations the look of truthfulness, that the Main street shops were being broken into, and the military ordered out, but nothing like what they represented was to be

found there. At the same time their very appearance was urgent in repressing disorder and re-assuring confidence. Went and arranged for removal of rice from the customs house to the different police stations under escort. Returned late, and the people at Mut val then were complaining that no rice was to be got. I reassured them by the intelligence that it was coming, and truly it proved a welcome supply.

'24th October.—Quieter to-day in consequence of large supplies, but personal threats against me multiply. I am "grinding down the people by taxation!"

'25th October.—Town quieter to-day owing to large supplies. Threats against me repeated. Saw the Governor in the afternoon and had a most satisfactory conference with him. H. E. informed me that he had told Mr. G. that he had no "conceivable justification" for his conduct towards me, that even if I was blameable for delay in preparing the Fiscals' Ordinance he had no right to act in the way he did: but that H. E. thought I was not blameable for delay. He had seen many Attorney-Generals and had done work with them, but had seen none who did their work so promptly and so correctly as I did mine. H. E. further added that he would not allow measures that had been agreed to to be opened up or the members of the Executive Council to come with written speeches against each other and ask them to be recorded on the minutes; that it was not fair to himself that,—after holding his peace as the Colonial Secretary had done when the Governor read his opening speech in the Executive Council, though H. E. had called for suggestions, and said that he had read his speech in order that the members might make their suggestions, and that if they did not do so they would be committed to the policy indicated therein,—he should come at the last moment and raise questions on the principle of the bill to which the Governor had openly committed

himself, &c., &c., &c. I expressed my acknowledgments to the Governor and left him. Attended a meeting of the Committee of the Friend-in-Need Society to which Governor sent £50 and an offer of Government aid (no limit mentioned) to assist existing destitution.

'26th October. Great scarcity still, and busy going from . . . back to devise measures to afford relief. Bought . . . rice to Mutwal same as on Tuesday . . . responsibility.

'27th . . . city much worse, in fact supplies would . . . consumed to-day. Cowasjee came to ask for 2,000 bags from Government as a loan. Referred it to V., as I was busy preparing my speeches on the Fiscals' and Arbitration Bills. Found when I went to the Council that the Governor had agreed to give 2,000 bags to be used in selling to the people of the town. This aid did not come a moment earlier than it was wanted! V. told me that G. had asked him to explain to me that he had not meant to offend me by his manner on Friday; he was worried about the rice and was thinking of something else. It seems that the Governor had told him that I complained to B. of his manner. Seeing that he made no acknowledgment for his conduct on Saturday I should not have gone to him, but V. asked me to do so, and I wanted to explain that I had made no complaint to B., and how it was that I wished to speak to him on the subject. Found him anxious to make up, but cold and reserved. Refrigerated myself accordingly.

'31st October.—Council postponed owing to its being mail day. I wrote my letters yesterday to the boys. Party at Queen's house, very pleasant. The Governor told me he thought no legislation was necessary as to commutation. I asked him not to commit himself to any policy until he had acquainted himself with the subject thoroughly, and conferred with us on the subject.

The Governor is too hasty and off-hand in these matters. It was owing to this that he committed himself in his speech about the natives. With his strict honesty of purpose, he is sure to decide aright if he do not act hastily.

'1st November.—Saw the Governor to-day, and handed him Sir Emerson Tennant's report on Colonial Taxation, which he promised to read. I found that he had called a meeting of the Executive Council for Friday to confer on the commutation matter. I told him that that would never do, as the members must acquaint themselves in the first place with the subject, and ought to see the papers beforehand. He agreed to put off the meeting, but was strong in thinking that no legislation was called for!

'2nd November.—Busy in Court. Scarcity still, but rice coming in, though slowly. Dinner at the Masonic Hall in honour of B., who goes to-morrow to take his appointment as Acting District Judge of Kandy. Toasts not many. I had to return thanks for the legal profession, and, in doing so, bore testimony to the valuable aid I had received from B. as my colleague, and to his singular industry and conscientiousness.

'7th November.—Attended a meeting of the Friend-in-Need Society. We had a curious question to consider, viz., How far men of bad character should be relieved? We came to the conclusion that people in urgent distress should be relieved without reference to their previous character. This resolution was come to with reference to the present scarcity, but the whole question stands over for a full meeting.

'9th November.—I hoped to do a lot of work, and was indeed busily engaged when a note from Queen's house took me away. The Governor wished me to take the opportunity to correct the misapprehensions which his speech on the apathy of the natives had given rise to. I conferred with him on the Jury Ordinance, and men-

tioned my objections to Sir E. Creasy's proposal. I recommended a smaller measure providing for a better panel, and, if need be, insisting on giving the Governor power to compel a property qualification. The Governor thought I was right in not insisting upon the radical alteration which the Chief Justice proposed, though he thought seven for a jury worked well at Hong Kong.

'10th November.—Very animated meeting in Council. C. annoyed me much by an attack upon the Education Committee in a very insidious manner. He "hoped the Irrigation Committee would do its work better than did the Education Committee, indeed that it would work and make its report," &c. He, also, in an offensive manner, took exception to the Colonial Secretary referring to the mis-apprehensions as to the charge of apathy in the Governor's opening speech. I got warm and spoke warmly. I pointed out that the Governor could not treat the question without noticing the cause, which, in his opinion, forms the strongest obstacle to the successful extension of paddy cultivation; that if he believed the apathy of natives was the great stumbling block, it would have been simply dishonest not to have said so merely from a maudlin anxiety not to give offence. Was it true or false? I pointed out what previous writers had said on the subject and of the apathy of the natives, and also referred to the fact that labourers had to be brought from India for the pioneer corps for railway works, and for the estates, all which might have been supplied by the natives if they were truly desirous to work; that they would work for a day or two, but that they did not like continuous, sustained exertion, and could not, therefore, be depended upon. I adverted to the late panic and still-existing distress, and pointed out that if those who could influence the natives, particularly those amongst their own body, whose position and prestige enabled them to do so, pointed out to the natives

the necessity of pondering what was said and profiting by the remedies proposed, they would have been of more real use to their countrymen than by exciting in their minds angry feelings.

‘ I complained of the insidious attack made on the Education Committee, and explained the cause of delay. This brought C. up. He, in a very unpleasant manner, speaking of me as “*the man* ;” he denied the charge of insidiousness. Nothing was further from my intention than to give offence, and I would have said so, but for the fact that the attack was, in point of fact, insidious, and I did not like the disagreeable manner in which he spoke of me. The Governor, after Council, complimented me on my speech, and everybody speaks of it as a great success. But I am not satisfied with myself or with the entire proceeding. Not that I don’t quite think that the Governor could not refer to the question without alluding to native apathy, but that this very apathy is a source of reproach to us who, if we had done our duty to the natives, which we have not, might have done something to lessen, if not altogether wipe out, the charge. I am afraid that the proceedings of this day will render me more unpopular than I am with the natives. But this cannot, of course, influence me. A conscience void of offence towards God and man is what I aim at, and I should not fear the face of man so as to hide the convictions of conscience. Nor should any such consideration induce me not to defend the Governor if I feel, as I honestly do, that, in this instance, he has been unjustly aspersed.

‘ 12th November.—Decided on planting coffee on my land here, *i.e.*, on a good portion of it. Engaged in the morning in preparing my speech for the *Observer*. Thought of applying to the Governor for a Private Secretaryship, which I want badly. Could not do much in court in consequence of a long conference with T., who seems

more pushing than his seeming bashfulness foreboded. Found Lorenz, Cayley, Ferdinands and others had formed anti-Governmental notions of the occurrence on Saturday, viz., that G. and myself had laid a plot for C. The former (it was said) was to draw him out by referring to native apathy and I then to smash him by a "battalion of authorities." Dias takes a more sensible view. Late in court.

'14th November.—Council to-day. 'Violent attack against me in the *Examiner*. I could not but anticipate opposition when I condemned the conduct of those whose position and *prestige* enabled them to speak with the authority of natives, but who rather pandered to them unworthily and used their influence to foment discord and dissatisfaction. But nothing could justify the unscrupulous statements made by Lorenz, and in saying of me that I acted dishonourably and "delighted" to run down my countrymen, he must have known that these were unfounded charges.

'15th November.—The *Observer* also has a bitter attack upon me. I am told that the natives speak very ill of me, and that I am detested by them. Alarmists, my wife foremost of the number, apprehend danger towards me personally. But "nil conscire sibi, nullâ palleſcere culpâ" must be my "murſus aheneus." Two lessons, however, all this teaches me which I must strive to lay to heart and profit by; (1), Time was when I delighted in newspaper attack upon others regardless of the pain and annoyance such attacks gave them. I am very sensitive now of attacks upon myself, but have no right to be; (2), I most desired the office of Queen's Advocateship, and fancied that, with it, I could desire no more. All these troubles I have lately experienced I might possibly have avoided in another position. This is one consequence of having other gods before Him who ought to command my best energies, and whose service I should have

my object and study, rather than trusting to earthly made idols.

'26th November.—Yesterday I received a threatening anonymous letter in Singhalese, written in a very offensive tone, and telling me that if the people were not relieved before the 25th, I may expect "powder and shot," though the writer himself might meet with the murderer's doom. Ten years ago, when I left the bar, I believe I was the most popular man in the country. My popularity continued even as Judge. But since I became public prosecutor and Chief Law Adviser of the Crown, the wheel has been turning. God grant, however, that I may not be influenced by fear or by favour to do that which is wrong. Let me aim first at a "conscience void of offence towards God," and only so far as I can consistently with this primary object, "towards man" also. Beneregammegey N. S.'s party came off to-day. His daughter's bridal robes cost £300! I led her to table. G. thought "No Partisan" [a letter with this signature sent to one of the Ceylon papers] unanswerable; said the Governor thought so too.

'2nd December.—Mr. Lovekin preached,—in white. Excuse heat. If he felt it right to do so, though I thought differently, I would have no right to complain, but when people attach importance to it, it is to be regretted that a clergyman should allow such a paltry consideration to induce him to offend his brethren. Professions in sermon fair.

'3rd December.—Trial in D. C. Court to-day, (C. A. Prius, Proctor) which was postponed, however, owing to the non-arrival of the commission to examine witnesses in India; but late in Court. Busy with the opinion as to the conveyance of an estate belonging to the Baroness Delmar. Went to the fort to see the Colonial Secretary, but he had left. Weather very threatening, so could not attend Trustee Meeting. At night went to a concert. Pleasant, but stupid.

'4th December.—Got up late in consequence of last night's concert. Busy preparing appeals. Temple and Stewart, J.J., sat. Holworthy's case was heard. Tottenham is to attend to be examined. Came home about four in consequence of rain. As it was probably the last day of Stewart's sitting, I said a few words thanking him for his kindness and courtesy to the Bar, and telling him that we appreciated his good qualities when on the Bench. He well deserved the tribute.

'5th December.—Council to-day. My small bills on Fish, Destruction of Documents and Prison Rules passed without debate—not even amendment suggested. C. spoke about the Prisons Ordinance giving so much power to the Executive, to which I replied. Arbitration Bill and Kandy Marriage Bill also passed with only my amendments. After that sub-committee on Fiscals' Ordinances; only seven clauses passed. C. obstructive and would fain put off the Ordinance till next sessions. Saw His Excellency afterwards. He was very kind, and asked me to prepare notes for his closing speech. He spoke very flatteringly of "No Partisan" as a complete extingisher. Asked my opinion as to fitting person for the Deputy Registrarship; he seemed evidently to lean to E. B.

'6th December.—Left home early so as to be in good time for the sub-committee. In Council at ten, prepared and got printed schedule to substitute for Fiscals' fees. All the members arrived about eleven, except C., who did not attend till 11-30, which delayed matters, he having had my books, which he brought minus the Index. His object obviously was to delay and obstruct. After Council went to office, and worked till late on Council and official work. Council despatches awaiting me when I returned. Military question settled, the Home Government taking £152,000 for troops, and £8,000 pension. We to build additional accommodation at Galle for the

wing of a European Regiment. The other wing to be stationed at Singapore.

'7th December.—A meeting of the Fiscals' sub-committee from eleven to two, and in spite of C.'s obstructiveness, we did a good deal. A meeting of the Executive Council afterwards, when we considered the Military question satisfactory, but the colony is "done," as to pensions and barracks. Absurd proposal of the Secretary of State to lend £250,000 to the Railway instead of floating debentures, was also considered. This the Governor is opposed to. The Governor has determined to go to Nuwera Ellia on the 14th, and return after Christmas to close the Council.

'8th December.—At work with the Delmar opinion. Went to the fort at two to see the Governor on the Ordinances and the Municipal Councils' assessment. But he was away at the bazaar. Saw G. who passed the Ordinance and was gracious. Drove him home and went to bazaar, where I met my wife and the girls who had purchased freely. Dinner party in the evening.

'11th December.—Left home about half past six to attend a sub-committee on Fiscals' Ordinance at W.'s. Much talk and little work. Breakfasted at C.'s, whence I went to the office. Engaged the whole day in work. Had a meeting of the Board of Examiners to consider Mr. A.'s case. Saw Mr. G. in the evening. On my return home found my wife fretting about another anonymous letter threatening to blow my brains out, if I did not get the price of rice lowered! May neither threats nor persuasion make me swerve from the strict line of duty; but may all these warnings lead me to rivet my faith on Him without whose knowledge not a sparrow falleth to the ground.

'13th December.—Meeting of Executive Council. Judicial District Proclamation passed and another as to Manaar, or rather two Pattus in Manaar, which are to be

transferred to the revenue district of Mulletivoe. I saw the Governor afterwards. He did not thank me much for the draft. I fancy he did not see me completing it in the Executive, but I had no other time, and no one saw it. He asked me to write to him if anything particular happened here.

'15th December.—Meeting of sub-committee on Commercial Law. Agreed upon our report. C. again inclined to be obstructive and to delay the measure, but could not give good reason for doing so. Smith and Maartensz stood by me, and we carried the bill. Heavy rain at night.

'25th December.—Service at Trinity. All the Psalms were chanted. Can't say I like these innovations, but I cannot urge any good objection to the Psalms being chanted, though I have a great abhorrence to the chanting of prayers. I am suspicious somewhat of L. since he took to a white surplice and talked of ornamenting the church. Large number at sacrament.'

'31st December.—Got up after a sound sleep; very much refreshed. The dissipation of the last few days was such that I quite enjoyed last night's rest. Went to the office and had a conference with C. S. about the transportation of the two European soldiers who were tried before the Supreme Court. It seems military convicts are to be sent to England, but there are no instructions as to civil convicts. Sub-committee on the Fiscals' Ordinance and agreed to the report which we mean to bring on on Saturday. C. and C. P. L. absent; the former is an awful obstructive, and the latter apparently indifferent to the measure. Judicial districts, the preparation of which gave me no little trouble, was handed to the printer for publication.

'There was a midnight service at Trinity, which I attended with my family. Innovation again! First a sermon by B. B. (an indifferent one), then the litany—

and the hymn, "Pilgrims of the Night." I expect we shall have some trouble yet with Mr. L. One thing he did, however, pleased me much. On Christmas day he announced that the Bishop (as I understood him) had suggested that he should, from the offertory money, contribute in aid of the Propagation Society, but that as the Trustees were laying out judiciously the money which were collected at Trinity, he would not interfere with them, but would only suggest the claims of that Society for consideration. Of course, there was art in this, in so far that he assumed that he had a right to interfere if he pleased. But we are no party to such assumption, and, a Trustee, like any other member of a congregation, being one of those described in Juvenal's Satires "*semper ego tantum auditor*," cannot be bound by acquiescence because he did not publicly protest against what a minister says in church. We owe no thanks to my Lord the Bishop for trying to throw the apple of discord amongst us.

APPENDICES
TO
VOLUME I.

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I.

A FEW REFLECTIONS ON THE LEGAL PROFESSION.

The following paper was penned on board the ship "Alexander" in 1839, whilst Richard Morgan was on his way to England. The writer was then in his nineteenth year :—

Of all the professions and occupations which men pursue that of the law has the greatest share of obloquy and banter attached to it. To be an honest lawyer conveys, according to the general acceptation, an idea not dissimilar to that of an honest thief, so repugnant is that virtue esteemed to be to the profession. With the rash and unthinking, and I may add the evil disposed, to such an extent is this prejudice, for one cannot give it a more apt denomination, carried that a man, be his previous life and habits what they may, forfeits all credit for honesty or moral principle as soon as he assumes the toga. Not so, however, with the educated and charitable portion of the community, who respect the man, however much they may participate in the general prejudice against the profession.

To what then, it may be asked, is this obloquy and banter to be attributed ?

To consider the matter *ab ovô* to what it may be asked does this profession owe its origin ? Were men not inclined to rise against their brothers, did all cherish charitable feelings towards each other, or when assaulted, carry into practice the advice of our Saviour of turning the left cheek to such as smite them on the right, lawyers would soon be compelled to lay aside their

briefless bags and betake themselves to occupations more lucrative. To expect, however, such an elysian state of blessedness of heaven in earth as long as flesh and blood remain flesh and blood, is the chimera of a diseased mind. The enthusiastic mind may picture to itself scenes of such transcendent happiness, when nought but an innate consciousness of rectitude would actuate men in their dealings, paralyze the arm of the despot, and make the midnight assassin pause ere he plunges his dagger in the breast of innocence, when peace and happiness would smile triumphant and sin find no resting place in the world—but one glance at the sober reality of things and the delusion is instantaneously broken! The question, therefore, I say, is not whether the profession panders to the failings of humanity, whether it encourages a spirit of querulousness and faction, as long as its *necessity* can be shewn, its necessity to preserve the social structure in due tone, to defend the poor from the oppression of the strong, to check the baneful influence arising from savage might and riches, to guard the sacred rights and liberties of men, and, to use the energetic words of Lord Coke, to shew that the little finger of the law is heavier than the joints of the prerogative. With the same plausibility may the sacred profession be railed against, since, were man in his positive state of holiness, he would need no warning or exhortation from the pulpit.

This point being settled, we now proceed to the consideration of the justice of the stigma attached to it. Against the abstract profession itself no charge can be brought, and wisely has it been observed by the ancient philosopher that it is the man that throws credit on the profession and not the profession on the man, a remark which can with equal truth and correctness be taken in an inverse proportion. That the profession of the law affords peculiar facilities to its followers to act a dishonest part and that men are unhappily not found wanting to take advantage of such facilities, are facts which must be readily conceded, but it does not follow therefore that the profession necessarily makes thieves; as well might objections be raised against reason and religion, because some abuse the noble faculty and others disbelieve the sacred dictates. 'What,' I fancy I hear the advocate against the

profession exclaim, 'are not lawyers bound to defend a cause which they know to be unjust, and do they not thus render themselves a *particeps criminis*?' This objection wears a great semblance of plausibility, and no mean investigation is required to clear it of the dross that envelopes it and show its naked futility. An honourable man disdains to countenance an action which he is *morally convinced* is unjust, and let us fancy such a person refusing to defend an action of this kind when applied to. None will deny that he is acting conscientiously, but the injudicious tendency of such conduct will be apparent when the individual principle is generalized. For clients must have advocates, and the refusal of one to undertake a cause will not have the effect of driving the former from the legal remedy they seek, recourse being easily had to others whose minds are not fortified with similar nice principles of honour. Public principles of policy militate against such conduct, and it is not by such a course that the unprincipled and the profligate can be checked in their vile career. A different course of conduct strikes me as less objectionable.

Instead of refusing to conduct the case of a client who applies under such circumstances, an advocate can, without compromising in the slightest manner his principles, undertake and defend or prosecute such a cause, provided he clears his conscience, first, fairly explaining the provisions under which he undertakes the cause. Let us suppose him address a client who applies to him thus: 'Friend, I have deliberated on the points adduced by you. I have examined all the papers. I do not think your cause a just one, and give you no hopes of winning it. If nevertheless, you persist in my going on with it, I shall do so. I shall take every fair advantage which the law would allow me, but I warn you, beforehand that you must not expect me to have recourse to any unfair or dishonourable subterfuge.' I am sworn to do my duty to my clients to the best of my abilities, but I have a higher duty to perform, a duty to my God. I have a conscience to look after, and no hope of gain or motive of fear will induce me to swerve from that course which rectitude points out to me. Are you willing to entrust a case into such hands?' Unless the client is lost to every principle of honour, virtue and truth, and every feeling

of propriety is exiled from his breast, he will own the correctness of the reply and drop his suit. But, supposing the wretch is so hardened that he perseveres but is met with such a repulse by every lawyer, he would effectually be reduced to the alternative of abandoning his cause, or, what is equally bad, entrusting it into hands too honest for it, and none can deny that a repulse of this kind would far more effectually promote the end in view than any which can be administered by a refusal to be engaged in the suit: it would at once disarm the malice of the client and leave the delinquent no remedy to which he could betake himself.

I cannot be answered in this by the argument that no sooner does a lawyer take up a suit than he identifies himself with his client, and is bound to do all which the client himself would do, to promote his cause. I admit that when an advocate undertakes a cause, he is bound to preserve sacredly the interests of his client. But to say that an advocate must do all that a client himself would do, is a proposition of rather too dangerous and wide a latitude. This is, in fact, to suppose him endued with an accommodating conscience, much beyond the ordinary desert of human nature. If consulted by a thief, he acts like a thief, by a villain or by an adulterer he shapes his conduct accordingly.

I cannot but quote a passage from Lord Brougham here who speaks rather pointedly on the subject.

‘An advocate,’ says his Lordship, ‘by the sacred duty which he owes his client, knows, in the discharge of that office, but one person in the world—that client and none other, to save that client by all expedient means, to protect that client at all hazards and costs to all others, and among others to himself is the highest and most unquestioned of his duties, and he must not regard the alarm, the suffering, the torment, the destruction which he may bring upon any other, nay, separating even the duties of a patriot from those of an advocate, and casting them, if need be to the wind, he must go on, reckless of the consequences, if his fate should unhappily be to involve his country in confusion for his client’s protection.’

That, in the sacred duties of an advocate, no hope of gain or motive of fear should influence him, must be

admitted on all hands. At the same time I can by no means subscribe to the general proposition, that an advocate must do all which a client himself would do, were he personally engaged. To this I would rather say, that an advocate should act as if it was his own cause. And here comes the question, What, is his conduct allowing himself to be guided by the rule of action I laid down last? To this I cannot answer better than say, all that he can do consistently with his duty to his Maker.

The former engagement may, I am aware, be justified by the allegation that there is a tacit saving clause in all the oaths which Christian men take on this earth and which provides for the validity of such oaths only so far as they do not clash with the superior duties they owe their Maker. Every man, therefore, being expected to act as he ought to do with the same plausibility that the law presumes, every man to be innocent until he is proved guilty, the lawyer in taking up such a charge must be expected to go no further than a regard to his higher duties enables his client to do. The innovation, however, to which I have already alluded will, secure the object in view in a way far more direct.

I may as well remark here on the question how far an advocate identifies himself with his client, that in a case of extraordinary turpitude where great injustice has been done to his client, it is but natural to expect an advocate to display uncommon warmth and indignation, calling to exercise all the abilities he is master of, the wrong done to his client imparting him energy, and the justice of his cause adding fresh eloquence to his lips. It is morally impossible that every suit indiscriminately can inspire him with the same feelings, and hence I say, if it be requisite that an advocate should identify himself with every client wretch and villain who chooses to entrust his case to him, let the honourable man betake himself to the plough, or even to begging, and leave the bar to be filled up by none but the unprincipled and the profligate.

It will be evident on examination that all the vices attributed to the profession of law can be traced to what Ovid well denominates, the '*irritamenta malorum.*' The Scriptures also denounce woe against lawyers 'for laying men with burdens too grievous to

be borne.' In a well-regulated community where the rates of fees are defined and limited, this evil can, in a great measure, be warded off. That, however, the evil exists in some degree, an impartial mind must admit. Unprincipled men can never be found wanting who would take advantage of the ignorant client, as much as the wily tradesman of the novice or the crafty landlord of the stranger.

Men in general must prize and admit the excellence of the advice given by the old Roman poet :—

'Hic murus aboneus esto nil conscire sibi—nulla pallescere culpa.'

But by the lawyer such an acquisition cannot be too earnestly desired. He meets with temptations to which others are comparatively strangers, and is subject to trials which seldom fall to the lot of frail mortality.

Suffer me then, ere I conclude, to indicate the *beau ideal* of an honest lawyer: He takes no more cases than he can properly attend to,—many handsome briefs are presented to him, but he rejects them if he has sufficient before him to require all his time, attention and study. When he undertakes a cause, he feels as if he has undertaken a sacred burden, he examines it with an impartial scrutiny and communicates the result of his deliberations to his client, neither suffering him to faint with despair on the one hand, nor smile with expectation on the other. He suffers no delay to take place in the investigation of the cause. He takes every fair advantage which the law allows him, but scorns the quibbles and quirks and shufflings and subterfuges the pursuit of which characterize the little-minded pettifogger. In all his dealings most scrupulously does he follow the admirable direction of Burns :—

'— Where you feel your honor grip,
' Let that aye be your border,
' Its slightest touches instant pause,
' Debar a' side pretences,
' And resolutely keep its laws,
' Uncaring consequences.'

He demands nothing more than what he thinks conscientiously his due. The oppressed find in him a ready friend; truth, virtue, right, liberty, an able defender.

Such a man may not be able to amass an estate or live in princely splendour, but the tide of his life glides on

with a calm and unruffled serenity; and when he is laid on his death bed, contemplating with complacency and satisfaction the tenor of his life, he resigns his spirit, which flies to the mansions of the blessed, wafted by the sighs, prayers and good wishes of the poor whom he befriended, the oppressed whom he succoured, and the weak whom he defended.

II.

PETITION IN FAVOUR OF MR. MORGAN'S APPOINTMENT TO THE LEGISLATIVE COUNCIL.

COLOMBO, 1st October 1851.

SIR,—We have the honor to transmit to you the enclosed petition, and respectfully request that you will be pleased to lay the same without delay before His Excellency the Governor.

We have, &c.,

P. A. LOOS,

W. TAYLOR,

C. A. LORENZ.

The Hon'ble The Colonial Secretary.

To

HIS EXCELLENCY THE HON'BLE SIR G. W.
ANDERSON, K.C.B., *Governor and Com-
mander-in-Chief of the Island of Ceylon,*

&c.

&c.

&c.

The Memorial of the undersigned
European descendants,

RESPECTFULLY SHEWETH,

That in consequence of the lamented death of Mr. Giffening, and believing that Your Excellency is desirous of filling up the vacancy thus occasioned in the Legislative Council by the appointment of a member of the community to which Mr. Giffening belonged, and, with the fullest confidence in Your Excellency's disposition to receive in the best possible spirit an expression of the

wishes of any portion of the people whom Your Excellency rules, the undersigned European descendants beg, with much respect, to submit the name of R. F. Morgan, Esquire, Advocate of the Supreme Court, as that of a gentleman, who, by his ability, learning, and independence of character has gained their confidence, and who would, they believe, as a member of the Legislative Council, do equal honor to Your Excellency's choice and to the people's recommendation.

Mr. Morgan is bound to the country by birth, by family connections, and by the possession of considerable property. He naturally feels that his own interests and those of the colony are identical; he will, therefore, strive to advance the prosperity of Ceylon by exercising on her behalf that faculty of enquiring closely, and reasoning correctly, and that power of expressing his views with facility which he has acquired in the honourable and successful practice of a liberal profession.

Under these circumstances, and actuated by these convictions, the undersigned, if vested with the Elective Franchise, would choose Mr. Morgan as their representative in the Legislature of their country; and they most respectfully, but very earnestly, request Your Excellency to exercise that power with which you have been vested by our common Sovereign, by appointing Mr. Morgan to occupy the seat in Council rendered vacant by the death of Mr. Giffening.

And your Memorialists as in duty bound

Will ever pray.

P. A. Loos,
J. DeBreard,
C. E. DeBreard,
G. W. Stork,
G. H. Anthonisz,
D. H. Wendt,
W. A. Kriekenbeck,
Joseph Swan,
P. E. Vanderstraaten,
J. A. Martensz,
J. Conderlag,
P. W. Erfzon,
J. E. Andree,
J. F. Pring,
C. Lorenz,
G. F. Noll,
G. A. Wendt,
R. Ludekens,
P. L. Gomes,
P. J. L. Vanderstraaten,

Arch. Andree,
J. H. D'Saram,
J. R. Hoffman,
J. H. De Jong,
C. A. Loos,
E. G. LaBrooy,
J. G. Grátiaen,
J. A. Christoffelsz,
G. Wendt,
J. H. Leembruggen,
C. S. Fernand,
A. Mills,
C. H. Schwallie,
G. A. Spittel,
J. H. Breehman,
J. A. Fermer,
James Swan,
F. J. DeSaram,
D. C. Muir,
H. VanDort,

H. E. Ebert,
C. A. Pompeus,
G. Schroter,
J. L. Alwis,
M. A. LaBrooy,
P. VanDort,
G. VanDort,
J. A. Margenout,
H. A. Jansz,
J. L. Seibel,
J. B. Seibel,
S. W. Seibel,
P. J. Ebert,
A. Kenneman,
C. G. Loos,
P. L. DeVos,
H. W. Fermer,
T. P. Moldrech,
S. Kelaart,
H. E. Kelaart,

J. W. Kelaart,
 J. Maas,
 P. M. Elders,
 R. Elders,
 J. W. Potger,
 R. W. Elders,
 C. A. Schubert,
 J. A. Dick,
 A. Seibel,
 J. De Bitar,
 A. C. Aldons,
 G. Forwerda,
 A. LaHaye,
 W. Carron,
 G. A. Passo,
 J. G. Ebert,
 G. H. Ferdinands,
 J. M. Rode,
 H. G. DeZilwa,
 P. R. Kelaart,
 C. D. DeAlwis,
 D. W. Claessen,
 Peter deSilva,
 P. G. DeZilwa,
 J. W. Heyzer,
 J. F. Heyzer,
 H. M. Fernando,
 J. H. De Jong,
 B. D'La Harpe,
 R. Brohier,
 M. Freywer,
 J. Ruffel,
 H. Raffel,
 W. Raffel,
 R. Andreesz,
 J. N. Keith,
 C. Barber,
 A. H. Lourensz,
 W. C. Pompeus,
 M. P. J. Ondatjie,
 C. D. DeNeys,
 W. A. Joseph,
 J. Kriekenboek,
 H. E. Misso,
 C. A. Mack,
 J. A. VanLangenberg,
 F. VanDort,
 J. L. Demmer,
 G. A. Aldons,
 C. Henricus,
 J. Ball,
 P. H. VanCuylenburg,
 W. VanCuylenburg,
 C. M. Wootler,
 G. J. Ohlmus,
 J. F. Camp,
 J. D. Ridder,
 H. Vanderstraaten,
 W. Vanderstraaten,
 J. F. L. Vanderstraaten,
 J. VonArkadie,
 J. VonArkadie, Jr.,
 H. C. Jansz,

C. A. DeRosayro,
 B. Rosayro,
 J. E. DeRosayro,
 H. P. Metzeling,
 J. F. Perera,
 A. Martenstyn,
 J. G. Andriezen,
 H. Christoffelsz,
 M. Prate,
 G. W. Muller,
 W. E. Muller,
 G. M. Muller,
 G. Muller,
 J. E. Vanderstraaten,
 G. W. Franciscus,
 J. M. Rodrigo,
 C. E. Cramer,
 E. Drieberg,
 T. Askey,
 A. H. de Heer,
 J. M. de Bruin,
 W. H. Perera,
 J. W. Joachim,
 A. H. Heyse,
 J. T. Prins,
 H. Dickman,
 J. Kats,
 E. Kats,
 J. A. Veijsman,
 E. Daviot,
 A. DeKretzer,
 J. J. Hopman,
 E. DeKretzer,
 J. B. Moldrech,
 C. B. Kelaart,
 F. D. Alvis,
 J. DeSilva,
 P. Brohier,
 D. DeNeys,
 J. G. Alvis,
 E. W. DeHaan,
 P. H. Silvaf,
 N. H. Silvaf,
 E. Weinman,
 H. E. Thomasz,
 J. VanHoff,
 H. C. Prins,
 C. Vanderstraat,
 F. S. Thomasz,
 J. Garira,
 M. E. Mack,
 R. Thomasz,
 C. Barber,
 J. W. Margenout,
 C. VanDort,
 B. Wilkins,
 J. H. Wootler,
 C. S. Siegerts,
 B. E. Alvis,
 J. B. Koelmeyer,
 J. VanGeyzel,
 B. Baur,
 A. LaBrooy,

P. E. VanGeyzel,
 C. J. Milheisen,
 A. Barton,
 C. J. Pibers,
 J. A. Ledulx,
 E. L. Wydeman,
 F. D. Koelmeyer,
 P. L. DeKretzer,
 A. L. VanHeer,
 W. H. Jansz,
 John Mack,
 D. Landsberger,
 C. VanLangenberg,
 A. W. Mottan,
 G. A. Mottan,
 J. T. Visser,
 H. Hindle,
 H. W. DeZilva,
 P. G. Vanderstraaten,
 G. Ball,
 F. H. VanGeyzel,
 A. R. Ginger,
 J. Alexander,
 H. Askey,
 H. Ball,
 J. W. VanGeyzel,
 O. Schwallie,
 James Loos,
 R. Andree,
 J. Garth,
 H. M. Anthonisz,
 J. M. Davidson,
 P. D. Anthonisz,
 E. Ludokous,
 F. Foenander,
 L. F. Schokman,
 J. W. Schokman,
 P. Mellonius,
 J. W. Ohlmus,
 W. J. Lourensz,
 H. Foenander,
 J. Foenander,
 J. Boven,
 J. VanDort,
 J. A. VanLangenberg,
 G. J. Ide,
 L. H. Schokman,
 J. F. Meier,
 J. M. Fernando,
 C. S. Keith,
 H. Zilwa,
 W. DeRun,
 E. Ball,
 A. F. Joseph,
 J. W. Mack,
 W. H. DeVos,
 E. J. Doebratz,
 P. Foenander,
 C. O. DeWass,
 D. H. Rodrigue,
 S. W. Ide,
 J. W. Jansz,
 C. E. Alvis,

J. S. DeFonseka,	J. C. Ankle,	G. Spittel,
G. H. Mack,	J. D. Freiwer,	J. L. D'Zylva,
J. J. VanGeyzel,	W. Baptist,	B. H. Toussaint,
H. VanLangenberg,	P. Ferdinand,	G. L. Toussaint,
H. A. Leembruggen,	J. C. Perera,	J. F. Giffening,
P. A. VanGeyzel,	P. E. Oorloff,	J. C. Nicholas,
J. Schofield,	J. M. Franz,	W. VanDort,
J. M. Schoonman,	C. Rodrigoe,	J. L. VanDort,
J. W. VanCuylenburg,	J. W. Peroira,	C. VanDort,
E. G. DeRun,	J. S. Misso,	C. VanDort,
C. A. E. Maas,	G. E. Phobus,	B. D. Zilwa,
J. W. DeWaaas,	R. J. Phobus,	J. O. Oorloff,
C. H. VanCuylenburg,	J. W. Orr,	A. A. Anthoneysz,
R. VanDort,	E. Orr,	J. V. Mortier,
J. D. VandenDriesen,	J. Drieborg,	C. A. J. Ondaatjie,
G. VanDort,	W. Taylor,	C. E. Christoffelsz,
J. A. Franciscus,	F. Toussaint,	J. W. R. de Luchaume,
J. Wright,	A. E. Alexander,	A. Wallis,
J. C. Oorloff,	P. Milhuisen,	V. W. Vanderstraten,
C. N. Oorloff,	J. Bennet,	J. D. Friskin,
G. A. Rode,	G. Andriesz,	J. Walles,
W. Beling,	G. Milhuisen,	John*Loos,
E. H. Vanderwert,	S. C. DeHeer,	A. Lodewyk,
J. F. Vanderwert,	J. H. VanBuren,	T. L. Nelson,
N. J. Austin,	R. L. VanBuren,	C. W. Ferrera,
R. Craig,	J. E. Nelson,	H. Driberg,
H. D. Andree,	J. J. Taylor,	H. B. Motzeling,
L. P. Christoffelsz,	G. E. Hoffman,	A. C. Mortier,
J. Dias,	A. C. Hoffman,	F. L. Goel,
J. Albert,	T. C. Hoffman,	J. G. Ebert,
T. Jansz,	J. T. Toussaint,	James Campbell.
C. F. Fernando,	C. W. Carron,	
C. Kronenberg,	J. V. Franciscus,	

COLOMBO, *September* 1851.

III.

THE DISTRICT JUDGESHIP OF COLOMBO.

UNION CLUB, *Trafalgar Square, London.*

SIR,—Feeling a deep interest in the welfare of the island of Ceylon, as well as in the civil rights of its inhabitants, and holding property in the island, induces me to request you will do me the favor of laying the accompanying memorial before his Excellency the Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonies: praying his attention to the opinions therein contained from the several legal authorities as to the very great advantage of the appointment of legal persons to fill the situation of District Judge of Colombo.

As Mr. Richard F. Morgan is a lawyer of the bar in that colony, and a member of the Legislative Council, and has also acted on several occasions as Dis-

trict Judge in Colombo, I therefore beg to recommend him to his Grace as an individual fully competent to be appointed permanently to that situation.

I have the honor to be,
Sir,
Your very obedient servant,
JOHN FORSTER FITZGERALD.

J. ROBERTS, ESQ.,

Private Secretary to

His Grace the Duke of Newcastle.

May 26th 1854.

TO HIS GRACE THE DUKE OF NEWCASTLE,

Principal Secretary of State for the Colonies,

• • &c. &c. &c.

MAY IT PLEASE YOUR GRACE,

Your memorialists trust that the importance of the considerations they are about to submit will justify their addressing your Grace upon a subject of deep importance to the colony of Ceylon with which your memorialists are intimately connected.

A vacancy having recently been created upon the Bench of the District Court of Colombo, the memorialists deem this a fitting time to bring to Your Grace's notice the necessity there exists for appointing a competent professional man to this vacancy, and to give effect to those promises which have frequently been called forth by the inconvenience experienced from the appointment of unprofessional men to that Bench.

Since the year 1832 it has been understood, as a general principle, that this office should be held by a professional lawyer, a principle countenanced and prescribed in express terms by Lord Gederich, the then Secretary of State. In pursuance of this principle the office has been conferred on professional men since 1841, and a temporary departure therefrom by the appointment of a non-professional man in 1846 as Acting District Judge gave rise to much dissatisfaction on the part of the public and led to a strong remonstrance against the acting appointment being laid before the local Government. Under these circumstances, your

memorialists, although comprising only the Ceylon residents and holders of property who are at present in London, have the less hesitation in addressing your Grace, and they trust that the following considerations will induce your Grace to confer the office now vacant on a member of the local Bar, conversant not only with the law of the land, but also with the languages, character and customs of the people.

1st.—It is not possible for an unprofessional man to discharge satisfactorily his duties as the Judge of a court in which intricate questions of law daily arise, and to which almost all disputes relating to mercantile and shipping transactions and all bankruptcy, matrimonial, and testamentary matters of any importance in the island are referred for decision.

2nd.—Considering also that the law of the land is with but few alterations the Roman-Dutch law, and that the customs, character and institutions of the natives, and the tenures of land are essentially different from those which prevail in England, and that an intimate acquaintance with these is indispensable to the proper discharge of the office, it is desirable that the appointment should be conferred on a Colonial lawyer, and one who has for some time practised in the local courts.

3rd.—The necessity of such an appointment would become more evident when it is considered that temporary vacancies in the Supreme Court are generally and necessarily filled up by the District Judge of Colombo for the time being. And an unprofessional man, incompetent as he would be to discharge the duties of a District Judge would, if elevated on an emergency (one which frequently occurs) to the Supreme Court, even though temporarily, create much inconvenience and mischief, the latter court being in almost all civil cases, and in all criminal cases, a court of final jurisdiction.

4th.—There is no want of competent men at the Ceylon Bar on whom the appointment may be judiciously conferred, as in several instances where the District Judge was unable from sickness or absence to discharge his duties, the Ceylon Government conferred the temporary vacancies on advocates of the local Bar: arrangements which though temporary gave great satisfaction to the public.

Your memorialists with a view to brevity have refrained from entering into any lengthened details, but beg to refer your Grace to the annexed document, containing a full and clear statement of all the facts that can be collected at this distance from the island, and also the opinions of several of the Supreme Court Judges and Queen's Advocates of Ceylon on the subject of appointments to the office now vacant.

Your memorialists actuated as they are by a sincere desire to promote the best interests of Ceylon, trust that they will be excused the liberty they have taken in thus trespassing upon your time at a period when so many demands are made upon the attention of the Government. They feel confident, however, that the well-being even of a remote dependency will not prove uninteresting at the present moment.

(Signed) J. O'HALLORAN,
Ceylon and Winchester House,
Old Broad Street.

(„) JOHN FORSTER FITZGERALD,
6, Manchester Square, London.

(„) T. C. MORTON,
31, Belgrave Square, London.

(„) WILLIAM P. BOYD,
2, Moorgate Street.

(„) W. H. THOMAS,
Hanover Park, Peckham.

(„) P. W. ROBERTSON,
7, Pall Mall and 8, Old Jewry.

(„) DALLAS and COLES,
29, Austin Friars.

(„) S. GREGSON,
14, Austin Friars.

(„) GEORGE BARNES,
62, Lincoln's Inn Fields.

(„) J. A. ARBUTHNOT,
Great St. Helens.

(Signed) BARING BROTHERS AND Co.,
Bishopsgate Street.

(„) ALBRECHT GREENHILL AND Co.,
Old Broad Street.

LONDON, May 1854.

(Document referred to.)

When the Charter of 1833, establishing the District Courts, was sent out, it was accompanied by a despatch of Lord Goderich, the then Secretary of State, in which it was set out that as there were many civil servants at the time holding judicial offices who could not be removed altogether without giving birth to claims to compensation which could not be resisted without manifest injustice, nor conceded without a charge on the public revenue to which it was unequal 'he was constrained then by the pressure of circumstances to depart in some degree from the general rule of confiding the general administration of justice only to persons who have been trained to the study and practice of the law as a profession.'

The Governor was then told—

'You will therefore select District Judges, in the first instance, from the gentlemen who have hitherto been acting in any judicial offices which the Charter will abolish. As vacancies may hereafter occur, lawyers by profession will be appointed to fill them, and any persons who may be appointed without the qualification of having been regularly educated in the study of the law, must distinctly understand that the appointment is merely provisional, and is to be held only until another choice can be made.'

The following are the opinions of some of the Judges and Queen's Advocates of Ceylon, on the subject of the appointment—

Mr. Carr (the present Chief Justice, then Queen's Advocate) in a letter to Government, wrote thus in 1837: 'It cannot be doubted, however, that the District Court of Colombo having the most important and intricate cases to decide in the island, the person to be selected to preside as Judge in such court ought to be a competent lawyer, both by education and practice, and there are many reasons for his being a practised Advocate of the Colonial Bar also, whenever a competent person can be selected therefrom to fill that situation. It would tend very much to the encouragement and improvement of the Colonial Bar, and to expedite also the public business in the District Court by suppressing all unnecessary legal objections and arguments which must perplex any Judge who has not had a legal education.'

Mr. Justice Jeremie in 1838 pressed upon the Government 'with whatever weight may attach to his humble authority, the necessity for having lawyers for all the District Courts.' He adds:—

'It is needless for me any longer to hesitate in saying that the blight, the radical defect, attaching to the judicial constitution of Ceylon arises from the class of gentlemen who preside in the District Courts and who, as such, have exclusive original jurisdiction in all private suits whatever, whether of a commercial, a real, a personal, a civil, or ecclesiastical nature

'Now, not one of these gentlemen had been brought up to the profession of the law, and experience daily more and more convinces me that the best school for the Bench is the Bar. I conceive a man should have an immediate, direct and personal interest in learning to do that which he is expected to do, well; that a dozen suits carefully studied, as they will be when he knows that his whole reputation and future fortunes depend upon the manner in which he acquits himself in arguments, will go farther to qualify any one for forming a right judgment of even the most ordinary case, than nearly half as many years spent in mere observation. It is not, therefore, the being received a barrister, though this is important as it implies preparation, but a thorough hard-working down-right experience of the management of business in its every stage, it is not only some acquaintance with general principles,

but an intimate knowledge of practice, which are essential requisites in a Judge in Ceylon.'

Again: 'How comes it that the Bar is in the state here described? How that the pleadings are so loose and confused? Why these numerous cases referred back for hearing and further evidence? Could all this have happened if proper Judges had presided in these courts? These defects then are little more than the dross of the old system, defects which will be remedied as that system is reformed. The very circumstance, therefore, that the profession is at so low an ebb is among my strongest inducements for wishing to help on those who under so many disadvantages have acquired all the qualifications you can reasonably desire or expect.'

In 1846, upon the appointment of Mr. Lavallicre to the Acting District Judgeship of Colombo, a deputation of merchants, landholders and lawyers waited on Sir Emerson Tennent, requesting that the appointment might not take place, (*Colombo Observer*, No. 70 of July 1846, p. 889). Sir Emerson Tennent gave them an assurance that in future the District Judgeship would not be permanently conferred on any but a lawyer by profession, and further that a lawyer would have had the preference for the acting appointment, if the arrangement could have been made without inconvenience to the public service (*Ibid.* No. 71 for August, p. 891.) This and the next number of the *Observer* contain reports of eighteen judgments of Mr. Lavallicre having been appouled against during the first week he sat as Judge, and all eighteen having been set aside by the Supreme Court.

Mr. H. C. Selby, the present Queen's Advocate, wrote thus in a paper on judicial establishments written in 1847:—'In order indeed to the exercise of a jurisdiction so extensive as that vested in the District Courts, the Judge should not only be a professional man, but a good lawyer. I mean he should not be merely one of those who enjoy the honours of the profession by having been called to the Bar, but a man who has really made the principles and practice of the law his study and his business.' Mr. Selby proceeds, quoting from Mr. Empson, to whom the consolidation and consideration of the different reports received from Ceylon were entrusted by the Secretary of State:—'The necessity for the District Judges becoming in one way or another lawyers will be getting stronger and stronger year by year. As soon as a system of positive laws to be interpreted by precedents is fairly established, a knowledge of them on the part of the District Judges will be as indispensable as Mr. Justice Jeremie thinks it is at present (1843) indispensable for justice, indispensable because of the impossibility (without constant and ludicrous reversals) of working a recognised system of laws by means of unlearned original courts and a learned court of appeal, indispensable because a Bar more or less acquainted with the laws will be making head; indispensable, because by that time European settlers will be sufficiently numerous to force the judicial institutions into an adoption to European habits.' I can add nothing (says Mr. Selby) to these just and admirable remarks, but that experience has already proved their truth.

Sir Anthony Oliphant, the late Chief Justice, when examined before the Parliamentary Committee in 1850 deposed thus, (see Questions 6828 and 6829):—'The person who fills the office of District Judge of Colombo ought to be the best lawyer in the island, better than the Judges of the Supreme Court, because he must be ready upon every point of evidence that arises. The Judges having an original jurisdiction only in criminal cases and an appellate jurisdiction in civil cases, they have always an abundance of time to consider their judgment in civil cases, whereas the other must, on the spur of the moment, decide points that arise. Counsel argue upon the points, and he must decide upon them instantaneously.'

DOWNING STREET, June 29th 1854.

SIR.—I am directed by Secretary Sir George Grey to acknowledge your letter of the 26th ultimo, enclosing a memorial addressed to the Duke of Newcastle, signed by

yourself and other gentlemen interested in the welfare of Ceylon, in which the importance of appointing a professional gentleman to fill the vacancy in the District Judgeship of Colombo is urged upon the consideration of Her Majesty's Government.

Sir George Grey desires me to inform you that he fully recognizes the justice of the observations contained in the memorial, and the importance of obtaining the service of a professional lawyer in such cases, where it is possible to do so. I am to add that the present temporary vacancy on the Bench of Colombo has been filled by a gentleman reported by the Governor to be versed in law.

I am, Sir,

Your obedient servant,

FREDERICK PEEL.

General Sir JOHN F. FITZGERALD, M.P.

IV.

(From the "Ceylon Times," September 23, 1856.)

LAYS OF THE LAW.

" No. IV.

"Goede Morgen Myn Heer."—Dutch Salutation.

1.

It was a case from C—lp—nt—n,
 Was pending in Ch—w,
 Which, though commenced in '39,
 Had not been heard till now.
 "And grant, ye gods!" exclaimed the Judge,
 (Smiting his bosom lustily,)
 "That I might, on the proofs adduced,
 "Decide the question justly."

2.

The plaintiff had paid some seventy pounds
 As fees to R——d M——n,
 To come with books and white cravat
 And be his legal organ;
 And W—ll—m had got a similar fee,
 To keep the other at bay,
 "And oh! how happy I'd have been with the one,
 "Were the other dear brother away!"

3.

And thousands came from far and near,
 To see this pair of M——ns
 Talking and thumping and quoting the law
 And eyeing each other like Gorgons.
 And nothing could make it the more absurd,
 Than the fact that many had seen them,
 Dining the night before with the Judge,¹
 Who now sat in judgment between them.

(1) The Judge was C. A. Lorenz then Acting at Chilaw; and the 'Lay of the Law' is by him.

4.

The case went off—as all cases go—
 With a sentence of restitution ;
 And a bill of costs and a Notice to tax,
 And a motion for execution.
 And—good luck to the Judge and the Proctors two,
 And the folks with astonishment dumb oh !
 And good luck to the parties from C—lp—nt—n,
 And the Advocates from C—l—nbo.

Sir Richard Morgan's elder brother, William, achieved a great celebrity as a lawyer. Seeing that he is referred to in the above lines, this may be a fitting place in which to give expression to the indignation of a Ceylonese gentleman, who saw some of the earlier pages of this volume as it was passing through the press. Referring to page 69, he writes :—' Surely you are not going to dispose of old William Morgan in these few words. He lacked the education (because in his day there lacked the means) which Richard Morgan had, but it is still an open question whether William Morgan was not the most effective, the most *persuasive*, speaker of all the Ceylon lawyers who ever lived. He was an Advocate, and for a few years before he died, Registrar of Lands. He was a sound lawyer too. If Richard Morgan excelled as a *Nisi Prius* Advocate, William Morgan was the man to win the heart of a jury in criminal trials. But in *argument* in the Appeal Court few could equal William Morgan. Read his speech in the Rajawella case.'

V.

[*Extract from the "Ceylon Examiner," of Oct'r. 1st 1856,
 recording the presentation of a Testimonial to
 Mr. Morgan.*]

PRESENTATION OF A TESTIMONIAL TO MR. MORGAN.

A deputation consisting of the following gentlemen, waited yesterday on Mr. Morgan to present him with a

testimonial of the consideration in which he is held* by the public :—

Robert Dawson, Esq.
J. B. Misso, Esq.
F. J. De Saram, Esq.
James Alwis, Esq.
John Drieberg, Esq.

Hormasjee Kaikushoor, Esq.
H. Dickman, Esq.
— Edremanesingam, Esq.
C. A. Lorenz, Esq.
Slema Le de Naina Markar, Esq.

On being introduced to the honourable and learned gentlemen, Mr. DAWSON addressed him as follows :—

‘ Mr. Morgan,—A large number of your friends and well-wishers who are desirous, before you take your seat on the District Bench, to present you with some testimonial of their approbation, have appointed us a deputation to wait upon you and ask you to accept some small token of their esteem, their respect, and their friendship. These friends are anxious to express their kind feelings toward you not in mere words only, but in something more substantial, something that may be looked upon in years to come with pride and satisfaction by yourself, which may be a source of delight to your friends, and may be venerated by your children.

‘ Sir, you have been for many years a useful, distinguished, and honoured member of the Colombo Bar, and while your brethren of the legal profession, and your friends and admirers amongst every class of the community, regret that they are now to lose your valuable legal services, they rejoice at the promotion you have obtained, which you have so honourably earned and so well deserve, because they feel the public will be benefited by your appointment to the District Judgeship of Colombo. Your friends have charged us to congratulate you on your promotion, and to convey to you their heartfelt wish that you may be as distinguished a Judge as you have been a successful Advocate.

‘ A list has been already opened, and a considerable amount subscribed for a memorial to be presented to you ; and in addition to our being a deputation to wait upon you and ask your acceptance, which, we trust, you will not withhold, we have been appointed to act as a committee to carry out the object in view, and so soon as we shall have obtained your consent to accept of what we offer, we are instructed to take the necessary steps for carrying the wishes of the subscribers into effect.

‘We have considered in what form the testimonial would be most acceptable to yourself and most appropriate to the occasion. Services of plate have long been looked upon as very appropriate articles for such presentations, as they form handsome ornaments, are conspicuous and attractive objects at all rejoicings and on all great occasions, they speak through the eye to the feelings of all beholders, commemorate the good deeds they represent, and can be handed down as heirlooms in a family from generation to generation. But of late it has become a very general opinion that testimonials may be made to assume a still more useful form, and that there are other equally efficient means of perpetuating the good deeds of honoured and useful men.

‘Sir, you have a young family springing up around you, and your most dearly cherished hope, your most anxious wish, as a father, must be to see your children well and honourably established in the world. A good education is, perhaps, the most precious gift that can be bestowed upon the young, for whatever talents they may possess, they cannot possibly take so useful, or earn so honourable and distinguished, a position in the world without, as they may do with, the advantages of a good education.

‘It is therefore proposed, provided it meets your approval, that the amount subscribed shall be devoted to the education of your eldest son, and we hope that it may be the means of enabling him to follow in the footsteps of his honoured father; and that, in due course of time, he may become as bright an ornament and as useful and distinguished a member of the Colombo Bar.

‘Thus the name of Morgan will be continued in association with the Colombo Bar, and the remembrance of your good deeds and valuable services will be effectually handed down to the rising generation.

‘We request you will explain to us your own wishes on the subject, and as soon as the form of testimonial shall have been decided upon, we will at once take steps to carry it into effect.’

Mr. MORGAN then replied in the following terms:—

‘Mr. Dawson, and Gentlemen,—Believe me, I am using no mere form of words when I say that my heart is too full to allow me to give adequate utterance to the

feelings which this great act of kindness on your part and on the part of those you represent has stirred up within me. It is difficult to follow a profession such as that to which I belong without provoking much hostility against oneself, and creating many enemies; it seems almost the necessary result of the counter interests which are always at play in the game of litigation. The party whose object you defeat, the witness whose veracity you question, dismisses but slowly from his mind the resentment which was first enkindled in court. You can easily conceive, therefore, how great must be my rejoicing to find that I have been happily saved from such results—that, at a moment like this, which may perhaps be deemed the close of my professional career, I should find myself overwhelmed by the kindly offices of my friends, and have the same encouragement and support extended towards me now which met me at my first entrance into life, and to which I mainly ascribe, under Providence, the measure of success I have been allowed to enjoy.

‘Would that my rejoicing was unalloyed by any other feeling! Would that I could altogether overcome the deep humiliation which a sense of my shortcomings during the sixteen years in which I have practised in my profession cannot fail at such a moment as this to give rise to! Would that I could altogether dismiss from my mind the feeling of anxiety which has never left me since the moment I determined upon accepting my new office, lest when I come to be weighed in the balance I should be found wanting!

‘It is not right, however, that I should obtrude these topics upon you. Your kindness has supplied me with no ordinary solace as regards my recollections of the past; it must furnish me with abundant motive for exertion for the future. If I feel that I do not deserve all that you have kindly said of me, and it is no affectation of modesty to say that your praise far exceeds my humble deserts, it will, at least, stimulate me so to act in after life that I may not prove false to the early impressions you have been pleased to form of me, that I may to some extent realize your fond hopes and expectations.

‘Gentlemen, I accept thankfully the testimonial that my friends are pleased to present me. I should ill requite your kindness did I not frankly state that I

heartily agree to the mode in which you desire to invest the liberal sum subscribed. A service of plate to one of my habits, and those in which I hope to see my family grow up, will be perfectly valueless. It would conduce more to our real good, our lasting benefit, that it should be invested in the way you propose. Let it form a fund laid out on trust, to be used, if need be, for the education of my eldest son; and should it not be necessary to employ it for this object, which I hope and trust it will not be, then to be paid to him, principal and accumulated interest, on his attaining his majority, to aid him in his advancement in life. I pray that this act of liberality will be an inducement to him in after life to strive to make some requital for the kindness shown to his father, by devoting his energies in the service and for the benefit of his fellow men.

‘Mr. Dawson, we thank you sincerely for the kind and feeling way in which you have spoken of me and my family, and, I repeat, my kind friends, we thank you all sincerely and fervently.’

•We hear the amount already subscribed exceeds £700, of which the following are some of the large figures:—

Wilson, Richie, and Co.	£20	0	0
Dawson, Dickson, and Co.	20	0	0
Armitage Brothers	20	0	0
G. Shand and Co.	20	0	0
Parlett, O'Hollaran and Co.	50	0	0
George Wall and Co.	20	0	0
George Steuart and Co.	20	0	0
Jas. Swan and Co.	20	0	0
John Driberg	25	0	0
James Alwis	25	0	0
F. J. De Saram	25	0	0

VI.

ADDRESS TO THE GOVERNOR.

[*Address of the Advocates and Proctors practising in Colombo, to the Governor of Ceylon, on the appointment of Mr. Morgan to the office of District Judge of Colombo. Taken from the "Ceylon Examiner" of Oct. 1st 1856.*]

We have the pleasure of giving publicity to the following:—

*To His Excellency Sir H. G. WARD, K.C.B., C.M.G.,
Governor and Commander-in-Chief, Ceylon.*

MAY IT PLEASE YOUR EXCELLENCY,—We, the undersigned Advocates and Proctors of the different Courts of this island, beg to wait on Your Excellency in respect of the change just effected in the Bench of the District Court of Colombo, with the request that you may be pleased to convey to Her Majesty's Secretary of State for the Colonies, our most grateful acknowledgments for the great benefit conferred on the public by conceding to them, in deference to their often-expressed wishes, the principle of filling up the office of the District Judge of Colombo by a professional lawyer—a concession which cannot but be highly valued by the community as calculated to place the administration of justice in the important and populous district of Colombo on a firm, certain, and satisfactory basis.

While we thus offer our acknowledgments to Her Majesty's Secretary of State, we cannot refrain from expressing our warmest thanks to Your Excellency for the selection to that office, from among the local Bar, of our acknowledged leader, Mr. Richard Morgan, in whose talents as a lawyer, and integrity as a man, the public and ourselves have the most unbounded confidence.

We beg leave to subscribe ourselves,
Your Excellency's most obedient
and humble servants.

[Signed by all the Advocates and Proctors.]

VII.

DINNER TO MR. RICHARD MORGAN.

(From the "Ceylon Observer," October 2nd 1856.)

The Bar of Colombo gave a dinner to Mr. Morgan on his promotion to the Bench of the District Court of Colombo. About forty sat down to dinner, which was served in admirable style. Among the guests were the Queen's Advocate, the Deputy Queen's Advocate, the Commissioner of Requests, the Police Magistrate, Mr. Dawson, and Mr. Callaghan. The Judges of the Supreme Court were invited, but the Chief Justice and the Senior Puisne Justice were on Circuit, and Mr. Justice Temple

was engaged. Mr. John Selby occupied the chair, and Mr. F. De Saram the vice.

After the cloth was removed, the CHAIRMAN gave "The Queen." Mr. DE SARAM next proposed "The Governor," the band playing the National Anthem and Rule Britannia.

The CHAIRMAN said the task had devolved upon him of proposing the health of their guest, his friend on the right, Mr. Richard Morgan. In endeavouring to discharge himself of this duty he found no difficulty in ascertaining the sentiments of those present; it was only how to express those sentiments sufficiently. He had but, however, to allude to the long career of their guest, his rise in his profession, the undoubted success he had met with and the various expressions of public good will which his promotion to the Bench had called forth. There was one of an affecting nature even that morning from the merchants of Colombo, one of the gentleman who had taken an active part therein being also present as a guest (Mr. Dawson) and sharing with them the pleasure of this public entertainment. He need but allude to the valuable services of Mr. Morgan as a member of the Legislative Council, the various and important services he had rendered to the public in various capacities and on various occasions. If he confined himself to Mr. Morgan's career at the Bar, he as a member of the profession in Ceylon, as every one else around the table were—for those who were unprofessional guests were but few—felt it as a thing too well understood to allude to the very successful career of Mr. Morgan in terms which would convey information. He would therefore propose the health of their guest—of the District Judge of Colombo. (Applause.) He would propose the toast with greater pleasure as, apart from the well-merited tribute which the appointment paid to Mr. Morgan's merit, it was a public acknowledgment of the rights of the Bar. To secure those rights the profession, aided by the public, had fought a long and determined battle, and this night had they met around that board to celebrate the victory of the collective fight, and hail the conqueror in another field who had so well performed his part in the battle of life, the most difficult battle we are ever called upon to wage. (Applause.) This was the

first appointment from the profession in Ceylon, and it initiated a system which would on the one hand reward the local Bar, and on the other would give the utmost satisfaction to the public, which had always desired an appointment of the kind, and by public demonstration had shewn every desire to use their best endeavours to attain the advantage of a learned and experienced lawyer on the Bench of the District Court of Colombo. He need not dwell long upon the subject, because the gentlemen present knew all about it, but as the expression of the intention and object of the present demonstration he would allude again to the successful and honourable career of Mr. Richard Morgan, and to the complete manner in which his appointment to the District Court Bench had met public expectation; to the perfect satisfaction the appointment had given—the undoubted advantage it would give to the Court, the suitors, the Bar and the public; and the advantage it would prove to the business department of the Court. He would allude to the reforms Mr. Morgan was well fit and disposed to introduce. He had no doubt his future career would rival his success at the Bar, and as an expression of the confidence of all present that it would be so he would propose full bumpers and three cheers for the District Judge of Colombo. He himself (the Chairman) had begun his professional career as a lawyer in Ceylon. He had been for nine years a member of the Ceylon Bar, and when he landed in this colony the battle was being waged and he had witnessed the struggle to obtain a legal man for the District Judgeship, and now that the Secretary of State rewarded the colony with this inestimable boon, though indeed it was but common justice to the Bar as well as to the mercantile public, he thought that the value of the gift was enhanced by the selection of Mr. Morgan. During the nine years, he (the Chairman) had been an Advocate in Ceylon, the struggle had been continued, and it was the public, particularly the mercantile public, which had struggled to obtain this great requirement. The great object of their wishes was now happily accomplished, and they had seen a good lawyer, an able and successful practitioner, and in every sense a fit member of the Ceylon Bar, appointed to the place. As an expression of the satisfac-

tion of the Bar in the attainment of their dues of the public in the great advantage attained and of confidence in the judicial career of Mr. Morgan, they would, therefore, join in the toast of the evening and drink the health with all the honours of Mr. Richard Morgan, the District Judge of Colombo. (Applause.)

Mr. MORGAN said: Mr. Chairman and Gentlemen. I hope I am not using the mere ordinary preface when a complimentary speech calls for a complimentary reply, when I tell you I feel deeply grateful for the very kind and flattering manner in which my health has been proposed and drunk. It is just sixteen years this day, Sir, since I first applied to be admitted a member of the legal profession. Notwithstanding the great lapse of time, I have still a vivid recollection of my feelings that day, my anxiety lest I should ever have cause to regret the step I then took. Little did I conceive that I should have kind friends waiting to afford me every encouragement and assistance and to cheer me on in my path. Little did I conceive that I should be called upon in time to fill the more important office of administering justice, and that when on the eve of assuming its duties, those with whom I have laboured should think me deserving of the flattering demonstration of regard which you have shown me this day. You have done well to remind us, sir, that my appointment involves the trial of an important principle. I feel that apart from the personal obligation I am under of striving to prove faithful to my trust, there is also the responsibility of showing as far as I can the expediency of appointing professional Judges to the District Benches. I feel the full weight of that responsibility, but allow me in my turn to remind you that it is in vain for any Judge to expect to discharge himself from such a responsibility unless he meets with the cordial support and co-operation of the members of the Bar. Let me again thank you, Mr. Chairman, for the kind and handsome manner in which you have spoken of me, and you, Gentlemen, for the flattering reception which you have given to the toast. If I have had to endure toil and anxiety, worrying and heart-burning during the sixteen years I have laboured amongst you and with you—and who can practise for that time at the Bar without much toil and anxiety, much worrying and

heart-burning ?—I have my reward in the very encouraging demonstration you have this day afforded me of your regard and esteem (Applause.)

Mr. LORENZ said he had the pleasing task conferred on him of proposing the health of the Judges of the Supreme Court; and it was so much the more pleasing because to one of them he was a perfect stranger. Of him, therefore, he spoke with the disinterestedness of a stranger, who only echoed back the voice of the multitude which had reached him at a distance, and told him of the Chief Justice as the right man in the right place. And if he had rendered great services from his seat on the Bench, by discharging laborious duties since his arrival, he had rendered yet greater services in having so readily recognised and pressed forward the claims of one whom they could only characterise as another right man in another right place. It was to be regretted that none of the Judges were present to participate in the joy which the appointment had produced; for two of them were absent from Colombo. The other, if he were present, would have doubtless added to the general satisfaction of the evening by bearing willing testimony to the judicial talents of one whom he has known long and intimately. But, in their absence, we may still remember them with kindness, and wish health and long life to the Judges of the Supreme Court.

Mr. MORGAN said: Mr. Chairman and Gentlemen, I deem it a privilege to be allowed to propose the next toast on the list—the Queen's Advocate and the Bar of Ceylon. After having endured the strife and conflict of a professional life—and a professional man has his strifes and conflicts “sudden and quick in quarrel, seeking the bubble reputation” with divers more substantial etceteras—I have now reached another stage when I sink into—‘the justice.’ (The next line you must allow me to pass over on account of its gross personality.) ‘With eyes severe and beard of formal cut, full of wise saws and modern instances, and so to play that part.’ Removed, therefore, from professional duties it well becomes me to propose health and prosperity to the Queen's Advocate and the Bar of Ceylon. Of the Queen's Advocate I cannot resist the temptation to say a few words though it may seem indelicate to do so in

his presence. I refer in particular to his connection with the Ceylon Bar. I am not aware if it is generally known that it was when he was only a member of the Ceylon bar that he was appointed to fill the high post of Queen's Advocate of this island. Before then, gentlemen were appointed to that office from the English, Irish and Scotch Bar, but his is the first instance of an appointment of a member of the Ceylon Bar. It will not be forgotten that shortly after the appointment took place, when troublous times came over us, when he regardless of what might have been considered his own personal interest stood nobly forward as a witness between the living and the dead—bringing down upon him the wrath and displeasure of the heads of the Government here and in England—that it was said in detraction of his merits that he was but a member of the Ceylon Bar. 'But a member of the Ceylon Bar.' Sir! I would ask those who then spoke and thought in that manner, whether, viewing the matter calmly and dispassionately now, they do not feel compelled to admit that the place has—I will not say never been better filled, for I can with truth go much further—never been as well filled before? Who can reflect upon the moral force which his appointment gave to the Government both as regards the suppression of crime and the assertion of Crown rights? Who can look over our Statute Book for the last few years and see the admirable laws therein appearing—admirable as well for their substance as for the precision and simplicity of their language—without feeling the full force of that which I say? Amply has he vindicated the credit of the Ceylon Bar, and bravely fought for its true interests whenever an opportunity arose for doing so, and whenever he thought they could be promoted consistently with the public interests; and the Ceylon Bar owe him, therefore, a debt of gratitude which they can never sufficiently discharge. In proposing success and prosperity to the Bar, I but express a wish which was ever nearest and dearest to my heart. When we come to look to its state we cannot conceal from ourselves that there is much yet one could wish to see otherwise, but it is equally clear that there has been a marked improvement in the condition of the Bar of late years, particularly in the out-station

towns. And with such an example as the Queen's Advocate has afforded us, with the example he has set us, whose memory is still sacred with us and never can be forgotten so long as the Ceylon Bar lasts, let us hope that the Bar will continue progressing and attaining all success and advancement. It is not for me to speak in the language of advice, but if there be one duty more than another for the Bar to fulfil in a country where the spirit of litigation is so prevalent and forms one of the vices of the Native character, it is to consider and act as ministers of justice in aid of the Judge before whom they practice. It is idle to suppose that the spirit of litigation can be checked by rendering access to Courts of Justice difficult or by denying suitors the aid of counsel. the effectual remedy to it can be applied only by men at the Bar who would qualify their zeal for their client's interests by considerations affecting the general interests of justice—who, whilst they put forth all their influence and ability to aid the suitor who is really wronged, will be equally zealous in their efforts to prevent the courts being used as instruments for working wrong and injustice. Gentlemen, of my sincerity in wishing well to the Bar, in whose advancement I deem my own personal interests to be closely identified, you cannot doubt. Allow me to propose success and prosperity to the Ceylon Bar and to its much respected and esteemed head—the Queen's Advocate. (Applause.)

THE QUEEN'S ADVOCATE rose after the conclusion of the toast proposed and, after briefly returning thanks on behalf of the Bar, said that he would call the attention of the gentlemen present to the toast he was going to propose, which was the Magistracy of Ceylon, by which he meant to include the Commissioners of the Courts of Requests, the Police Magistrates and also the District Judges of Ceylon. He begged to correct the Chairman's impression that this was the first time a professional man had been appointed. Though in future they would be appointed by right, there had been appointments of the kind in former times. He could also point to the case of Mr. Langslow, an English lawyer, though there were certainly painful circumstances connected with his case, nor must it be forgotten that when Mr. Langslow left his seat, it was a person from the local Bar—

namely, the learned Queen's Advocate himself,—who was chosen as his successor. As for unprofessional Judges he must acknowledge that there were many instances of ability amongst them, and that generally they were as satisfactory as could be expected. Under the present arrangement of the public service, the District Judges of out-stations were generally unprofessional men, and the manner in which they have performed their duties makes them deserving of credit. From the opportunities which he possessed of judging of the Magistrates he believed that they were actuated by a desire to discharge their duties efficiently: the Chairman had alluded to his experience of nine years. He himself was much older, about seventeen years, as far as he could recollect just at the moment. He, in looking around the table, could recognise but one gentleman present who was an Advocate and at the same time older in the profession than he (Mr. Staples.) He had much experience of the Bar and the judicial service of Ceylon, and was sure the members of the Bar present would agree with him that the magistracy of Ceylon were deserving of a special toast on this evening. He would call upon them and their guests to join with him when he proposed "The Magistracy of Ceylon."

Mr. DALZIEL said: Mr. Chairman and Gentlemen, I have much pleasure in dining here on this occasion, which is in honour of our respected friend Mr. Richard Morgan, on his elevation to the Bench of the District Court of Colombo. I expected good fare, cool champagne, and an intellectual treat; but I did *not* expect that I should have to make a speech. It seems, however, to devolve upon me to reply, in the criminal department, to the toast proposed by the honorable the Queen's Advocate. I shall leave the civil side of the question to be disposed of by my civil, and more talented, friend the Commissioner. I hope and may safely say for myself and brother magistrates, that we administer justice to the best of our knowledge and ability; that we try to arrive at right conclusions, which is a very difficult task, considering that amongst the lower orders of the natives falsehood is the rule and truth the exception. It has often happened to myself that, after recording evidence on both sides (for prosecution and defence)

I have been puzzled to determine on which side the probability of truth lay. Some of us Magistrates are called unprofessional Judges. Be it so. We have received some education, although we may not have eaten dinners at Lincoln's Inn; and having been long in our present employment, we have read books, and after all, we know something. For my own part, whenever I may be wrong, I shall carry with me an honest feeling that I have done my best under the circumstances in which I have been placed to administer justice fairly, so far as I have been able to discover where the truth lay. I beg to return thanks to the honorable the Queen's Advocate for proposing the health of the magistracy of Ceylon, which I reply to after this fashion; and I leave my civil friend opposite to speak for himself.

Mr. STAPLES said: Mr. President and Gentlemen, our worthy Police Magistrate, in returning thanks for the magistracy of Ceylon, has confined himself to the criminal side of the toast, and would not, with his long experience, travel beyond his jurisdiction. He has left me to deal with the 'civil' branch, and thus extorted, or tried to extort a speech from me—a capital ruse, and though not uncivil, yet somewhat uncivilized. I am quite taken by surprise, for I did not come here to make a speech. However, the unstudied promptings of one's feelings are, I should think, far more acceptable than the more studied effort of the closet. I am not disposed to take the sins of the civil magistracy of this country upon my shoulders, which are only broad enough to bear my own: yet though not deputed, I nevertheless thank you, on its behalf. But I should desire to address you, now that I am required so to do, in my professional rather than in my official capacity, and this I will do very briefly. After a variety of trials and misfortunes of no ordinary character, and with impaired health caused in a great measure by the sedentary and arduous duties of my office, it is refreshing to me, after a lapse of years, thus to meet the members of the profession to which I belong and which I had embraced in early life. I have for some time past given up all entertainments, and am not seen at such anywhere; but I could not persuade myself to stay away on the present occasion, and a wrong

construction might be put upon my absence. So, here I am, to join you in doing honour to your own profession and to your particular guest of the evening. Gentlemen, I am addressing you as the oldest member of your Bar, and as the oldest member of the legal profession in this country. The Queen's Advocate has pointedly alluded to myself, when he told you that there is but one Advocate at this table, whom he found here on his arrival in this colony. He and others by far my juniors in the profession have been more fortunate than myself. They have lived perhaps in more liberal times. But this is no reason why I should envy their advancement, for neither that nor hypocrisy is, as you know, among the number of my virtues. I forbear, despite the opportunity that offers, to speak of myself; it would be out of place, and perhaps in bad taste. I rather, therefore, join you in wishing him who has been advanced to the District Bench of Colombo every happiness in his new position. Nay, more, I hope for the honour of the local Bar, he may meet with still higher advancement; that at the first opportunity which may offer, he may be raised to the Bench of the highest court. If the Queen's Advocate meant that, by having been raised to the District Bench of Colombo, he has met with the highest honours of his profession here, I do not agree with him. If he be fit for the one he is equally fit for the other. And I cannot see why he, as well as others, should not look forward to this distinction. I heartily hope he may secure it. In turning to the younger members of my profession, (and I see among them some of my own pupils) may I be permitted to urge upon them the necessity of perseverance and improvement in their course to secure prosperity in their honourable calling. Let me urge them in particular not to desert the cause of the poor and the friendless, the widow and the orphan, for that of the worthy and the powerful—and never if they can help it, to allow might to triumph over right. Gentlemen all, with cordial wishes for your welfare, may you and each and all of you, under every adverse circumstance, be prosperous in your profession, possess a clear conscience, and the enjoyment of a happy home! (Applause).

Being called upon by the Chairman, Mr J. ALWIS spoke

as follows: Mr Chairman, I am glad that it has fallen to my lot to propose the toast of an honourable body of men, for whom we have the highest respect, to the greater part of whom we are much indebted, and amongst whom we are still able to number our principal guest; I mean 'The Legislative Council of Ceylon.' (Cheers). I believe, sir, I have the concurrence of all who are here present when I say that the public are much indebted for a great many of the privileges which we enjoy, to that honourable Council—at least to those members whom I have the pleasure to see around this board. The services of the honourable the Queen's Advocate, both in and out of Council, and more especially that honesty which peculiarly characterizes his conduct, is justly appreciated by a discerning public. In proof of this, I believe, sir, it is needless to refer to anything more than his strictly impartial conduct during that troublous period of 1848, to which our worthy guest has so feelingly and delicately alluded—conduct for which he has justly won the admiration and esteem of all right-minded men in the colony. (Cheers). As to the honorable and learned gentleman, whom we have the honour of entertaining this night, I believe, sir, I express the opinion of all who are here present when I say that we are much indebted to him. It was not very long ago that he effected a reform in our courts which would have reflected honour on the greatest statesmen in any country. Need I remind you that I allude to his valuable services during the debate upon the Police Courts bill, when he obtained for the colonists the privilege of sending professional men to the minor courts of this island. (Cheers). You will doubtless have observed the talent and ability which he brought to bear upon the discussion of that most important question—nay, the wonderful promptitude with which he rose on his legs, to move an amendment, immediately upon his defeat on a motion, which perhaps he thought more constitutional. (Cheers). I cannot also forget, sir, the services of the other honourable member here present, I mean the gentleman on my left (Mr. Dawson). It is, sir, to his perseverance in Council, and the valuable suggestions of the honourable and learned gentleman of whom I have already spoken, that we may attribute the withdrawal of the Verandah bill, an ordi-

ance by which it was attempted to concentrate in one solitary individual, though perhaps a very talented gentleman yet, comparatively, a stranger in the island, all the powers in respect to encroachments which have been properly and blamelessly executed by a board of competent men. Look, sir, to these results; and who could be so indifferent as not to feel, and who so ungrateful as not to acknowledge, the value of the services rendered by the unofficial members, amidst many difficulties, and in a limited sphere for usefulness. (Cheers.) Sir, I trust that the time is not very distant—I hope it will soon come—even before the present head of the Government shall have left our shores—when we shall rejoice to find that their sphere for usefulness has been extended, that the element in the unofficial ranks of the Council has been enlarged, and that we have obtained a legislature in which the heterogeneous interests of this rising colony shall be duly represented. (Cheers.) I would, sir, most willingly enlarge upon this and some other topics suggested to my mind, topics of the most momentous importance to us, to the public, and to the Singhalese in general, but I desist; for I think, sir, this is neither the time nor place for their consideration. I believe, however, I have said enough before introducing the toast which it is my privilege to propose to-night—and which I now call upon you gentlemen, to join me in drinking—‘The health of the official and unofficial members of the Legislative Council of Ceylon.’

Mr. DAWSON briefly returned thanks.

Mr. MORGAN said: Mr. Chairman and Gentlemen, I cannot allow the company to separate without proposing another toast—the health of Mr. Lavelliere. Though the vindication of a most important principle has prevented his confirmation on the Bench of the Colombo court, we must bear willing testimony to the anxiety which he always evinced to do what was right, and to the amiability of temper and kindness of disposition which have won for him the esteem of those who practised before him. His resolve to go to England and fit himself for professional duties is a noble one, and a resolve which, considering his years and service, does him extreme credit. I am sure I but express the wish of every member of the Bar when I say that—after having

properly prepared himself for the profession, and having been duly admitted into it,—none will rejoice more sincerely in his judicial advancement than the members of the Ceylon Bar. Mr. Lavelliere—long life and success to him! (Tremendous cheering.)

Mr. LOUIS NELL, on being called upon by the Chairman to propose a sentiment, rose and said: That it was the suggestion of Mr. Lorenz that he should propose the health of the Chairman, which he would have much pleasure in doing. A public dinner was analogous to a public meeting, and if at the latter a vote of thanks was always returned to the Chairman at the close of the proceedings, proposing the health of the Chairman on the present occasion would fully carry out the analogy; and carry it out in that agreeable manner which had characterized all the proceedings of the night. And here, he felt bound to allude to the peculiar difficulty of the Chairman's task, when so many varied prejudices met around the excitement of a plentiful board, when in the arrangement of the company and in the great tact with which the proceedings were directed into new channels, as the freedom of discussion allowed on such an occasion brought into strong and contrasted lights the sentiments of the different speakers. He would allude to some of the more salient points in the public expression of the sentiments of the meeting. A pointed allusion was made to unprofessional Judges and a special response was entered on their behalf, (by Mr. Dalziel) the free humorous expression of individual opinion in which must have met with some opposition in the minds of the company present. Now, he would say for himself that it was well known he had not practised long as he had not voluntarily chosen his profession, so that his experience of it was not much, but he could confidently answer for the honourable conduct of many who had sprung up with himself, but lately from boyhood and school-time to seek an honourable livelihood in the profession of the law. He was too young and inexperienced to speak of their seniors; but from what he had seen, and he could point more particularly to a gentleman (Mr. Driberg) who was present, there ought to be many well worthy of setting a good example to their juniors. Many of his own class of people, as

sprung from the European stocks, whatever their appearance might be, have inherited great qualities from their ancestors. As for the Native gentlemen he need only say that day after day it was their increasing success that was stirring up the Eastern apathy which we had also acquired, and forcing us to emulate them and thus exhibit the dormant but fine qualities of the race. If any of them had exhibited any opposition to any member of the magistracy it was in the discharge of their public duty, and he, though he held a humble position in the Bar, may have done so, but for himself and others present, he availed himself of the genialities of the occasion and of the opportunity afforded by the Chairman to respond to some portion of the address of one of our principal Magistrates who had so frankly, and humourously touched on some topics, which in public life had caused some unpleasantness. He must not withdraw his own humble testimony to unprofessional Judges, and would allude to Major Forbes, a Military officer, who was as efficient a Judge as he was a classical scholar and writer on Ceylon. He would next allude to the equally fine expression of feeling and sentiment on the part of the twin response (Mr. Staples) to the toast of 'the Magistracy of Ceylon,' and he would say that many of the circumstances referred to were, no doubt, painfully true; but such was always the order of life, and such often the lot of the ablest and most talented of mortals. To speak more pointedly he would say under such circumstances one had always consolation as a man, a gentleman and a Christian. As man alone he could recur to the histories he read in school-time of those stern old Romans who had borne the reverses of life with splendid fortitude. And besides such artificial helps to our philosophy, there was the remembrance of past and undoubted success and the consciousness of endeavouring to discharge the duties of the present hour. Besides that, they were met to celebrate the privilege secured to the whole profession. If when the good of the united whole was secured one individual inevitably suffered, the case was not without its own consolation. Besides those striking contrasts of individuality, he would allude to the little ebullitions of a dinner table, which showed how heartily each expressed opinion was held; and even the most

opposite opinions could meet around a festive board to find the most agreeable settlement which such an opportunity always afforded. To borrow a comparison from the science of music, he would compare it to a discord, which may be struck, but which must inevitably find itself changed into harmony. (Applause.)

The CHAIRMAN said he rose to acknowledge the compliment paid to him by the gentleman who had just spoken. He felt the compliment conveyed and appreciated the terms in which it was conveyed. His health had been proposed, as the Chairman on this occasion, and he was complimented on the ability with which he had discharged his duties as President, and it seemed that he was also credited with the management of this public demonstration and the undoubtedly admirable arrangements with which it was so pleasantly and successfully carried out; but a sense of justice compelled him to give the credit where it was due—to the vice Chairman—Mr. Frederick de Saram. It was he who had made all the excellent arrangements and attended to the various minutiae which had contributed to the success of the whole design. If, as Chairman, he (Mr. Selby) had contributed any usefulness, he was but too glad to have done so. He must acknowledge that much that was hitherto conflicting had now met in a public and social manner: and he deeply regretted that it had not been so before. He hoped that the Bar would have many, many opportunities like the present and carried out in the same manner. The more varied the sentiments that had met this evening, the greater the compliment paid to their guest (pointing to Mr. R. Morgan on his right.) It was he who by his honourable and successful career had given such an opportunity to the society of Colombo—and he could only repeat it—that the oftener such meetings were repeated the better. (Applause.)

The party soon after broke up.

• VIII. •

[*Extract from the "Colombo Observer" of December 29th, 1856, on Mr. Morgan's appointment as Acting Puisne Justice.*]

An event exceedingly gratifying to the people of this

country has occurred in the elevation of a member of the local Bar to the Bench of the Supremo Court. Mr. R. F. Morgan was sworn in as Acting Puisne Justice, on the evening of Wednesday last, in the presence of a large assemblage. The usual salute was fired from the esplanade. The Chief Justice, Sir CARPENTER ROWE, who administered the oaths, thus addressed Mr. Morgan :—

‘ JUSTICE MORGAN,—Let me congratulate you thus publicly on your promotion’ (shaking him by the hand), ‘and I must’ (turning to the Bar) ‘congratulate the Bar on the appointment of so distinguished a member of their body. It must satisfy them that in our profession, abilities, and character, and perseverance will ever meet with their reward.’

After the swearing in, the Bar and crowds of all classes waited on Mr. Morgan, in chambers, to offer their congratulations.

When the new Puisne Justice left the District Court on Monday, the members of the Bar waited in chambers, (they wished to address Mr. Morgan publicly, but at his request did not do so) to express their regret at losing him from the District Court, but also to add their congratulations on his elevation.

There is but one feeling amongst the community—that Mr. Morgan’s elevation is well deserved, and that his conduct will justify his selection to fill so high an office. Mr. Charles Stewart is to act as District Judge of Colombo, until Mr. Lawson is able to take the post.

. IX.

[*Continuation of a Letter from Sir HENRY G. WARD to Mr. Morgan, on recommending him for the office of Acting Queen’s Advocate.*]

QUEEN’S HOUSE, COLOMBO,
November 16th, 1857.

MY DEAR SIR,—After the fullest consideration that I can give to the subject, I think that there is no one in the colony whom I can recommend to Mr. Labouchere for the acting appointment of Queen’s Advocate, with so fair a prospect of seeing the duties of that important office satisfactorily performed, as I shall have in submitting your name to him as Mr. Selby’s *locum tenens*.

Your high standing at the Bar, your experience in the Legislative Council, and the capacity that you have evinced as a Judge, while acting as a member of the Supreme Court during Mr. Sterling's absence, afford the best security that I shall find in you the qualities that are required for the Executive Council, while your intimate acquaintance with the character and habits of the native population will give additional value to your views upon all matters connected with their interests.

I have, therefore, much pleasure in making this proposal to you. I understand that two Judges can carry on the business now before the Supreme Court, until Mr. Sterling's return, without inconvenience, and I should therefore wish you to assume the duties of Queen's Advocate at once, as there is much to be done during the remaining month of the session.

Pray believe me,

Yours very faithful and obedient,

(Signed) H. G. WARD.

X.

[*Copy of a Letter from the late Sir W. C. ROWE, Chief Justice of Supreme Court of Ceylon.*]

MALAGAKANDY, COLOMBO,
November 17th, 1857.

MY DEAR JUSTICE MORGAN,—I congratulate you sincerely on your appointment, and I think the public is to be congratulated also on the selection of one so capable of doing justice to the office.

I shall always look back with pleasure to the confidential intercourse which has prevailed between us during the time of your occupying a seat on the Bench of the Supreme Court, and trust that whatever may be your future official position, the good opinion which we have had an opportunity of forming of each other, may not fail to be perpetuated both in public and private.

Yours sincerely,

(Signed) W. C. ROWE.

The Honourable Mr. Justice MORGAN.

XI.

[*Extract from the "Ceylon Times" of August 20th, 1858, containing the address of the Bar to Mr. Morgan on his departure for England.*]

THE HONORABLE MR. R. F. MORGAN.—Mr. Morgan has, by the *Nemesis*, left our shores for England for a short time, to 'eat his terms,' as the probation is called, to make him an English Barrister, thus enabling him to hold the highest judicial position on his return to Ceylon. It is his second visit to Britain, and well will he be rewarded for the voyage. Nothing could do more honour to his talents, urbanity, and strictly noble qualities, than the address from his compeers, which we print below. In strict integrity as a gentleman, in legal attainments as a lawyer, in public and private life Mr. Morgan has gained the suffrages of the people of Ceylon. He is on the 'rolling waters,' on his way to our far distant Home, and as an honest man we wish, God speed him.

We wot well of his career, and we regret that in 1848 we took a wrong view of his motives. Strange it is how the *glass is lifting*. The very men who have been most abused, turn out to be the 'real salt.'

Mr. Morgan takes with him the most heartfelt wishes for his welfare.

The long array of the names of his brother members of the Bar show how Richard Francis Morgan is esteemed by them. Further comment would seem like adulation:—

COLOMBO, August 14th, 1858.

SIR,—Though on several previous occasions we have had the pleasure of tendering to you expressions of the esteem and respect we entertain towards you, yet we cannot, in bidding you farewell, deny ourselves the opportunity of once more expressing our appreciation, not only of the impartial and assiduous discharge of those public duties which you were called upon to perform, but of the many acts of private kindness and the warm sympathy which you have uniformly manifested towards us, and which neither the honours which have been conferred on you, nor the heavy calls of duty, have abated or interfered with.

We wish you a happy and prosperous voyage, and trust, under God, soon to welcome you back to the country which is proud to own you, and to the profession which you have adorned by your talents and your virtues.

We have the honour to be, Sir,

Your most obedient and faithful servants,

CHARLES H. STEWART,
Deputy Queen's Advocate.
JOHN SELBY.

HENRY DIAS.
H F MUTUKISTNA.
THOMAS RUST.

C. A. LORENZ.
OWEN MORGAN.
M. COOMARASWAMY.
F. JAYETILIKE.
WILLIAM MORGAN.
JOHN DRIEBERG.
H. C. PRINS.
WILLIAM STORK.
P. J. L. VANDERSTRAATEN.
F. J. DE SARAM.
A. S. ANDREE.
JAMES ALWIS.
V. W. VANDERSTRAATEN.
J. A. MARTENSZ

C. B. KELAART.
P. E. VANDERSTRAATEN.
D. A. E. DIAS.
HENRY BALL.
J. H. DE SARAM.
J. F. PRINS.
J. W. ORR.
H. A. WAYREWENADEN.
JAMES DE LEWERA.
ALFRED DE LEWERA.
LOUIS NELL.
J. DE M. ASSERAPPA.
G. DE ZILVA.
FREDERICK C. LOOS.

R. F. MORGAN, Esq., District Judge, Colombo.

R E P L Y.

GALLE, *August 16th*, 1858.

MY DEAR FRIENDS,—Accept my sincere thanks for your kind and valuable letter which has just been handed to me.

The many testimonials I have received from you of late render this additional proof of your regard unnecessary, but I appreciate not the less on that account the kindness which dictated, and the warmth and friendliness of feeling which mark, the tone of your present communication. One effect which testimonials of this kind are calculated to produce, is that they humble a man, and make him strive to overcome the shortcomings which the partiality of friends has overlooked, and to prove deserving of the praise which their kindness has ascribed to him. I pray that this effect may be realised in me. Whilst thankful for the testimonial, emanating as it does from friends, with whom it was my privilege to labour, and to whose ready co-operation and support I mainly owe whatever measure of success I may have been heretofore spared to enjoy, I pray that it will only furnish me with an additional incentive to do my duty honestly and conscientiously, in whatever situation of life it may please God to place me. Farewell.

RICHARD F. MORGAN.

To Messrs. C. STEWART, J. SELBY, H. DIAS, etc., etc.

XII.

[*Copy of the Testimonial given by the Judges of the Supreme Court of Ceylon, to promote Mr. Morgan's call to the English Bar.*]

COLOMBO, November 26th, 1858.

DEAR SIR,—Understanding that your application to be called to the English Bar is now before the Benchers of Lincoln's Inn, we have much pleasure in stating that, before your appointment as District Judge of Colombo, you were long the leader of the Bar in this colony; and that in both those positions, as well as in that of acting Puisne Justice of the Supreme Court, your learning, character, and services have been such as to command the entire respect of the Bench, as well as of the Bar.

We can further add that, both in regard to the duties of the District Court, and to the necessity—in consequence of the contemplated absence on leave of Mr. Justice Temple—of your being soon called upon to resume your former temporary position in the Supreme Court, it is very essential to the public service that your own absence from Ceylon should not be protracted beyond the end of the ensuing month of March, 1859.

Yours very faithfully,

(Signed) W. C. ROWE, C.J.

(„) PAUL STERLING, SEN. P.J.

(„) C. TEMPLE, P.J.

R. F. MORGAN, Esq.

XIII.

[*Copy of a Letter from Sir H. G. WARD, written immediately after Sir W. C. Rowe's death.*]

MY DEAR SIR,—I am too unwell to write much, for the shock of poor Sir W. Rowe's death brought on a return of fever, which still hangs about me.

I had, before receiving your letter, suggested to the Secretary of State the propriety of duly considering your claims to the permanent appointment on the Bench, if the promotion goes locally. But that is a matter over which I have no control. A new Chief Justice, uncon-

nected with the island, may be appointed. It rests entirely with the Secretary of State, and we shall not have his decision for some time.

Yours very faithfully,

(Signed) H. G. WARD.

The Honourable Mr. Justice MORGAN.

XIV.

MR. MORGAN'S PRE-EMINENT POSITION AT THE BAR.

An interesting testimony to Mr. Morgan's position as a practising advocate is to be found in a mock memorial to H. E. Sir G. W. Anderson, K.C.B., the Governor, which was published in the *Colombo Observer* in November, 1853. Mr. Morgan is there spoken of as holding briefs in three hundred and ninety-nine cases out of four hundred. "Vespa," as the memorialist signs himself, says:—

'Your Excellency's Council has enacted a law directing all appeals from the several District Courts to be heard in *Colombo* and not as of old on circuits—and the main reason assigned for this alteration was (and *could* only have been) that the *interests of suitors* would be better *consulted* from their thus having greater facilities to engage learned counsel, who it was said would pay greater attention to their briefs with their law libraries at their elbows than it was thought (very erroneously) they did in the hurry attendant on circuits.'

If Your Excellency will but condescend to ask Your Excellency's friend Mr. Richard Morgan (than whom no person is better competent to express an opinion on the question) how the new practice has worked, he will tell you that this advantage to suitors of engaging clever counsel has been secured only by an accumulation of business, and consequently by such vexatious delay as never existed under the old *régimé*. He will tell Your Excellency that from his being engaged in 399 out of the 400 cases in appeal he believes himself competent to offer an opinion and that really he must confess the scheme to be a—failure. As an illustration of the working of the improved system, he will "put a case" to Your Excellency, and no less an one than the PARSON-SELBY drama still lying dormant in the Registrar's office but which under the former system *must* have been settled *months ago*! He will "put another case"—that of his ingenious client Mr. Clerihew who after having undergone vast expense in securing a patent for his heated-air and inimitable fans, is deprived of his advantages because forsooth Mr. Kadienlena's counsel *DEFAULTERED* to a pleading about a *heretofore* not being a *therefore*, and an appeal on the *momentous question* (which under the good old rule would have been decided in a *fortnight's* time, being an interlocutory one) has for the last *six months* and more been awaiting the collective wisdom of honourable Judges!!

The learned counsel will further tell Your Excellency that he has long since given up answering letters from out-station Proctors regarding the fate of their appeals or of making excuses for not doing so, as it really ought not to be expected of him considering the postage (to the exorbitancy of which he once had occasion to allude in his place in the Legislative Council) and

(1) The typography of the letter as it appeared in the Colombo newspaper is followed.

the amount of work—work—work—which merchants and Proctors are determined to get out of him as a tax on his talent.

He will tell Your Excellency that suitors at out-stations consider it more satisfactory to have their Proctors present at the hearing of their appeals, and that it is unreasonable to expect in Colombo Proctors who have been instructed to prepare briefs for him, that acquaintance with the multifarious habits, customs and laws of Jaffna and the Kandyan Provinces to enable him to present to the Advocate as satisfactory a view of their cases as clients may justly expect from the Proctors they have paid for that purpose.

He will tell Your Excellency that in spite of all advice, and reason, clients *will* come to him literally from the North, and the South, and the East and the West, at great inconvenience and expense to enquire after their cases—and that such a state of affairs was not contemplated by the new system and accords not with the boasted principle of this enlightened Government “*that justice should be brought to the doors of the people.*”

He will tell Your Excellency that his big brother William and his amiable friend Mr. Dias, who share with him the practice in the Supreme Court, are sighing for the good old circuit days with all their associations of travel and accumulated retainers. He will take the opportunity to assure Your Excellency, that deprived of the advantages of hearing the arguments of counsel in appeal, even Proctors at out-stations so far from advancing in their profession fall lamentably behind the age, and are found to tolerate the very unwarrantable suspicion, that if to honourable Judges the counsel “*at noonday*” proclaim it is night” “they declare they behold the Moon and the Stars.”

So far from questions requiring deep legal lore in their solution arising in appeal cases, he will tell Your Excellency that *nine-tenths* of such appeals are from findings on facts which District Judges have so barricaded by the circumstances of the case and the demeanour of witnesses as most effectually to keep Advocates at bay. Your Excellency will not fail to scrutinize that risible twitch on your honourable friend's lips (which all his professional gravity *will* not control,) as he thus discloses the extent of that *wise discretion* by which unprofessional Judges so well refute the scandal of incapacity so often made against them by *interested parties*.

He will assuredly tell Your Excellency that *such* appeals can be best sifted on circuits with the assistance of the Proctors engaged in the several cases, and that the *exceptional* cases of law can be reserved for the collective wisdom in Colombo assembled.

He will tell Your Excellency that *Interlocutory* appeals are vanishing fast, —and why? Because a Proctor would rather submit to an irregular order or the caprice of a Judge at a sacrifice of his client's interest, than take an appeal and have the case put back nearly a twelvemonth; when irremediable mischief might ensue from so long a delay.

It is absurd to reckon the paltry expense attendant on a fortnight's or even a month's prolonged stay of the Judge on circuit for the purpose of disposing of appeals when this saving to the revenue is only to be secured by a disregard of the public interest and an impaired confidence in the administration of justice.

XV.

CALLED TO THE BAR.

(“Ceylon Times,” 24th December 1858.)

- If ever any one fairly earned the distinction that has been awarded by the Benchers of Lincoln's Inn, it is Mr. R. Morgan, who has been called to the Bar by that honourable society after five days. Mr. Morgan petitioned for a dispensation on the 8th of November last.

A special council of the Benchers met on the 12th when the Lords Justices Knight, Bruce and Turner moved his call. The Benchers thought, and rightly too, 'that Mr. Morgan's long practice at the Bar, the high offices held by him and the prospects open to him, evidenced by a flattering despatch addressed by Sir E. Bulwer Lytton to the Benchers forwarding certain despatches from Sir H. Ward, rendered his case a very proper one for a dispensation;' which was accordingly granted. We wish every one the customary compliments of the season; and to Mr. R. Morgan many happy returns of the day, that he may long wear the honours so fairly won.

XVI.

POSITION OF THE BURGHERS IN 1859.

(Colombo Observer.)

In the Madras Civil Service, over which Sir Charles Trevelyan presides, there is not a single East Indian or Native. How different the case is in Ceylon our readers are aware. More than once, in reviewing the Government calendars, we have analyzed the list of the Ceylon Civil Service and shewn how large a proportion of Ceylonese gentlemen it embraced. We think the public organ of the Ceylonese ought not to ignore the fact: indeed a graceful and grateful acknowledgment of it would not be out of place. Why, at this moment the honourable Mr. Morgan is Senior Puisne Justice of the Supreme Court, most ably discharging the duties of that high post. He owes the acting appointment to Sir H. Ward, and the Governor is most anxious to get him confirmed as a Judge of the Supreme Court. His fixed appointment is that of District Judge of Colombo on £1,200 a year; as Acting Justice he draws £1,500. Then, acting for Mr. Morgan while he retains his own office, we have Mr. Deputy Queen's Advocate Stewart, brother of the able East Indian gentleman who died Acting Queen's Advocate of Ceylon. Mr. Stewart, we believe, draws at the rate of £1,600 a year. A third court—the Court of Requests,—is ably presided over by a burgher gentleman, Mr. C. H. de Saram, whose claims

the Governor most handsomely acknowledged when making his appointment. In 1859-60 we find that thirty European descendants drew nearly £15,000 a year, as Judges, Magistrates, Clergymen, Crown Lawyers and Surgeons—adding natives in the higher offices of Government, the sum is increased to £18,000. We suspect Sir C. Trevelyan can scarcely—if Sir H. Ward should take to questioning *him*—give such honourable testimony to the desire of the Indian Government to encourage indigenous talent. Four European descendants at least have been members of the Executive Government of Ceylon—James Stewart, R. Morgan, John Staples, as Queen's Advocates; the elder Mooyart as Auditor General. Mr. Hillebrand sat on the Bench of the Supreme Court; and Mr. Livera, a pure native, was acting District Judge of Colombo when he died. Of the thirty-nine burgher and native gentlemen in our list, no fewer than twenty-two were either appointed or promoted by Sir H. Ward.

XVII.

NOTES TO CHAPTER I.

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Respecting some of the noble families which left Ceylon on the British occupation, an Eurasian gentleman writes as follows:—‘The Uhlenbeek family left Ceylon for Holland about ten or twelve years after the British accession, and young Uhlenbeek, if the family had remained in Ceylon, would probably have been a Ceylon Government clerk, ‘passing rich with £40 a year;’ but a larger sphere was open to him in Holland; he entered the Dutch Navy, in which he rose to the top of the ladder. In 1867 Admiral Uhlenbeek, the whilom Colombo Pettah boy, visited Colombo in his flagship, was the guest of Sir Hercules Robinson at Queen's house, was entertained by Mr. Lorenz, and renewed his acquaintance with many of his old Colombo school-fellows, John Krickenbeek, Assistant Auditor General, Charles Edward de Breard, and others.’

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‘There is not a single Dutch family in Ceylon which is entirely free from native connection.’ Dr. Prins, who practiced as a physician in Colombo for forty-eight years, said that the unmistakable sign of native blood in burgher veins was the colour of the vaccination marks, and indeed of any mark or scar left by a sore or wound that *had festered*. In a pure European the mark was pale, whitish, and, in full-bodied subjects, nearly flesh-coloured; but the presence of native blood was indicated by the scar being dark coloured: the darker the colour the greater the infusion of native blood. The rule appears to be this—in a European, the scar is paler, but in a native, it is darker than the surrounding skin.

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BURGHERS ENGAGED IN MERCANTILE AFFAIRS.—As proof of what burghers could do as merchants if they had the requisite capital, one instance may be given. Andrew Henry Fryer, a Dutch burgher, ran away from Colombo about 1830 (having quarrelled with his relatives) a penniless boy; he returned in 1855 with £18,000 and founded the well known house of Fryer, Schultze and Co.

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AN INDUSTRIAL SCHOOL.—About fifteen years ago Mr. Lorenz offered his property in Slave Island, known as St. James, to be converted into an Industrial School for the mechanics or Portuguese burghers if the Government would endow the school with a fund for the payment of teachers, &c., but owing to the supineness, or worse, of the Government the project fell through.

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There were many Malay slaves too who were the belongings or part of the dower which Dutch brides from Batavia brought with them, when they came with young (Dutch) Ceylon, who like Caleb went (E. S. E. towards the Straits of Sunda) in search of a wife.

My grandfather (says a courteous informant) had a Malay slave whom he liberated in 1816. The old instinct in the man made him until his last days (he died in November 1877, aged 89) remain 'the most obedient humble servant' of all old ——'s grandchildren. He was the servant of three generations of ——s. But after my grandfather died, he could never be induced to live as a domestic with any *one* of his children, nor any one of the grandchildren. He lived at Marandahn with his two sisters, who had also been slaves, and considered himself bound to serve all the children, descendants of —— whose slave he was, and so would never live with any *one* of them, for fear he should offend the others.

